

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

JESSICA R TINDLE
PO BOX 233
BRIDGEWATER IA 50837-0233

ADVANCE SERVICES INC
c/o TALX UCM SERVICES
PO BOX 66864
ST LOUIS MO 63166-6864

Appeal Number: 06A-UI-06193-HT
OC: 05/21/06 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1)d – Quit

STATEMENT OF THE CASE:

The claimant, Jessica Tindle, filed an appeal from a decision dated June 9, 2006, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on July 13, 2006. The claimant participated on her own behalf and was represented by Attorney Karen Emerson. The employer, Advance Services (Advance), participated by Office Manager Tracy Davis. Exhibit One was admitted into the record.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Jessica Tindle began working for Advance on September 22, 2005. At the time of hire she signed an assignment policy which notified her that she had to contact the employer within three working days of the end of each assignment.

She was assigned for two or three weeks at Cardinal IG, but was laid off for lack of work. At the time of the layoff she was offered another position through Advance but declined as she had another job. Ms. Tindle resumed her employment with Advance Services on February 20, 2006 at Farley and Sathers Candy Company.

On April 13, 2006, the client company notified Office Manager Tracy Davis it wanted the claimant removed from the assignment because she was not working out. Ms. Davis notified the claimant in person on April 17, 2006, and returned the equipment she had been using at Farley. Ms. Tindle did not contact the employer after that date because she was hospitalized that afternoon until April 19, 2006, at which time she was placed in treatment for substance abuse under a court order.

Ms. Tindle was not released from the treatment program until May 29, 2006, although she filed her claim for benefits effective May 21, 2006 because her physician apparently felt she was able to at least begin the unemployment process while still in treatment. She did not return and offer her services to Advance after filing her claim or being released from treatment.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant quit work for reasons which would disqualify her unemployment benefits.

Iowa Code section 96.5-1-d provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

The claimant knew from the policy she received she was to contact the employer within three working days of the end of the assignment. She failed to do this, although through no specific fault of her own as she was hospitalized and then detained by court order for drug treatment. However, at no time did she report back to Advance and request another assignment once she had been released. Her assumption that she had been discharged is not supported by the

evidence. Ms. Davis merely told her she was "no longer needed" and returned her equipment from Farley. This is not evidence of a discharge from Advance, any more than the previous layoff was. The record establishes the claimant quit without good cause attributable to the employer and she is disqualified.

DECISION:

The representative's decision of June 9, 2006, reference 01, is affirmed. Jessica Tindle is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

bgh/cs