

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

BRUCE W SCHUETT

Claimant

APPEAL NO. 11A-UI-08250-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMEDY INTELLIGENT STAFFING INC

Employer

OC: 05/15/11

Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Bruce Schuett filed an appeal from a representative's decision dated June 9, 2011, reference 01, which denied benefits based on his separation from Remedy Intelligent Staffing, Inc. (Remedy). After due notice was issued, a hearing was held by telephone on July 15, 2011. Mr. Schuett participated personally. The employer participated by Wendy Mesenbrink, Customer Service Supervisor.

ISSUE:

At issue in this matter is whether Mr. Schuett was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Schuett began working through Remedy, a temporary placement firm, on July 26, 2010. He was assigned to work full time for Greenstar for an indefinite period of time. His last day of work was October 22, 2010. He was released from the assignment when he failed to report for work without notice on October 25. He did not report for work because he was in jail for public intoxication.

When he got out of jail, Mr. Schuett contacted his supervisor at Greenstar and was told his job was no longer available. He did not contact Remedy until November 10. He indicated at that time that he was entering a treatment program. Work on the Greenstar assignment would have been available if Mr. Schuett had continued reporting for work or had notified the employer of his intentions.

REASONING AND CONCLUSIONS OF LAW:

Mr. Schuett was hired for placement in temporary work assignments. An individual so employed must complete his last assignment in order to avoid the voluntary quit provisions of the law. 871 IAC 24.26(19). Mr. Schuett did not complete his assignment with Greenstar as he stopped reporting for work before the assignment ended. As such, his separation constituted a

voluntary quit. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code § 96.5(1).

Mr. Schuett left his employment because he was in jail and unable to report. An individual is presumed to have left employment without good cause attributable to the employer if he becomes incarcerated. 871 IAC 24.25(16). Moreover, he did not contact his employer, which was Remedy, until over one week after he was released from jail. The evidence of record failed to establish any good cause attributable to the employer for the separation. Accordingly, benefits are denied.

DECISION:

The representative's decision dated June 9, 2011, reference 01, is hereby affirmed. Mr. Schuett left his employment without good cause attributable to the employer. Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs