

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARSALIS JONES
Claimant

APPEAL NO: 11A-UI-09779-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 05/01/11
Claimant: Respondent (2/R)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's July 14, 2011 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation was for nondisqualifying reasons. The claimant did not respond to the hearing notice or participate in the hearing. Colleen McGuinty, unemployment benefits administrator, and Vanessa Payne appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualified him to receive benefits, or did the employer discharge him for reasons constituting work-connected misconduct?

FINDINGS OF FACT:

The claimant registered to work for the employer in May 2010. The employer assigned him to a long-term job assignment that the claimant began on April 25. The claimant worked at this assignment on April 25, 26, and 27. The claimant was scheduled to work at this assignment on April 28, May 1 and 2. When the claimant did not call or contact the employer or the client these three days, Payne, who works for the client, asked employer to remove the claimant from the assignment. The claimant did not contact the employer to explain why he had not gone back to the assignment.

The claimant established a claim for benefits during the week of May 1, 2011. He has filed for and received benefits since May 1, 2011.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or the employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1) (2)a. The evidence

establishes the claimant voluntarily quit by abandoning his job assignment after April 27. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The claimant may have had personal reasons for not returning to his assignment and for failing to contact the employer. The evidence does not, however, establish that he quit or abandoned his employment for reasons that qualify him to receive benefits. As of May 1, 2011, the claimant is not qualified to receive benefits.

An issue of overpayment or whether the claimant is eligible for a waiver of any overpayment of benefits he has received since May 1 will be remanded to the Claims Section to determine.

DECISION:

The representatives' July 14, 2011 determination (reference 01) is reversed. The claimant did not complete a job assignment. Instead, he voluntarily quit an assignment by abandoning it. The claimant did not establish that he quit for reasons that qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of May 1, 2011. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged. An issue of overpayment or whether the claimant is eligible for a waiver of any overpayment of benefits he has received since May 1, 2011, is **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs