

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

AMY S DHABOLT
1322 BOYD ST APT 2
DES MOINES IA 50316-1459

USA STAFFING INC
LABOR WORLD OF IOWA
3921 NE 14TH ST
DES MOINES IA 50313

Appeal Number: 06A-UI-06082-DWT
OC: 11/13/05 R: 02
Claimant: Respondent (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 96.5-2-a - Discharge

STATEMENT OF THE CASE:

Labor World of Iowa (employer) appealed a representative's June 8, 2006 decision (reference 03) that concluded Amy S. Dhabolt (claimant) was qualified to receive unemployment insurance benefits, and the employer's account could be charged because the claimant's employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 3, 2006. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which she could be contacted to participate in the hearing. As a result, no one represented the claimant. Christin Adams appeared on the employer's behalf. At the time of the hearing, the employer requested a continuance because a witness was on vacation. This request was denied because the request had not been made prior to the hearing. The employer then requested that a decision be made based on the administrative record. This request was granted. Based on the administrative

record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of November 13, 2005. The claimant did not start working for the employer until April 11, 2006. The employer assigned the claimant to a job on April 11, 2006. The claimant worked at this job assignment until May 2, 2006. The business client did not have any work for temporary employees on May 2 but indicated the temporary employees, including the claimant, could return to work on May 4. The claimant talked to Mitch Seitz, one of the employer's employees, on May 4 because the business client still did not have any work for the claimant to do. The employer then assigned the claimant to a one-day job on May 5. The claimant completed the one-day assignment.

From May 6 through 10, the claimant continued to check with the employer for more work. The employer did not have another job to assign the claimant. The claimant stopped contacting the employer for another job after May 12, 2006. The claimant reopened her claim for benefits the week of May 14, 2006.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The facts establish the claimant completed all the work the employer assigned to her. After May 5, the claimant continued to contact the employer for another job assignment until May 12. The employer did not have another job to assign the claimant. Under these facts, the claimant did not voluntarily quit her employment and the employer did not discharge her for work-connected misconduct. Instead, the claimant was laid off from work when the business client did not have work for the claimant to do and the employer did not have another job to assign to the claimant after May 5, 2006. Therefore, as of May 14 when the claimant reopened her claim, she is qualified to receive unemployment insurance benefits.

The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

DECISION:

The representative's June 8, 2006 decision (reference 03) is affirmed. The employer did not have another job for the claimant to do after she completed a temporary job assignment on May 5. Since the claimant did not commit work-connected misconduct or voluntarily quit her employment, the reasons for her employment separation do not disqualify her from receiving benefits. As of May 14, 2006, the claimant is qualified to receive unemployment insurance

benefits, provided she meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

dlw/kkf