

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

KATHY M HALE
APT 31
307 W VALLEY
SHENANDOAH IA 51601

MANPOWER INTERNATIONAL INC
c/o TALX UC EXPRESS
PO BOX 66864
ST LOUIS MO 63166 6864

Appeal Number: 05A-UI-11592-DWT
OC: 10/02/05 R: 01
Claimant: Respondent (5/R)

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 – Voluntary Quit

STATEMENT OF THE CASE:

Manpower International, Inc. (employer) appealed a representative's November 2, 2005 decision (reference 01) that concluded Kathy M. Hale (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge 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 November 30, 2005. 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. Jaeka Sump appeared on the employer's behalf. Based on the evidence, the arguments of the employer, 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 do not qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant registered to work with the employer on August 24, 2004. The claimant accepted a job assignment that was to begin on July 5, 2005. On July 5, 2005, the claimant contacted the employer and reported she was ill and unable to work that day. The employer expected the claimant to report to work the next day.

At the job site where the claimant had been assigned to work, employees are supposed to sign in and out on a piece of paper. Sometimes employees forget to do this. On July 13, 2005, the claimant contacted the employer and asked about her paycheck. The employer indicated no hours had been reported for the claimant. On July 14, the claimant again called the employer about her paycheck. The employer told the claimant to talk to the site supervisor about her hours on July 15 when she worked and then get back to the employer. The claimant did not contact the employer again. The employer investigated and discovered zero hours had been reported for the claimant. The employer talked to the supervisor at the job and discovered the claimant had never reported to work. On the day the claimant told the employer she was at the work site, Sump was also at the work site. Sump did not see the claimant at work. The employer completed its investigation on July 22, 2005. Based on the employer's investigation, the employer concluded the claimant never worked at the job assignment.

The record indicates the employer filed a timely protest. The record also indicates the claimant's last day of work from a previous assignment was in early July 2005.

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 evidence establishes the claimant never worked at a job assignment that was to begin on July 5, 2005. If a claimant does not work at an assignment, there is no employment separation.

As of July 5, 2005, the claimant had not yet established a claim for unemployment insurance benefits. Therefore the issue of whether the claimant refused an offer of suitable work cannot be addressed because the offer of work was made before the claimant established an unemployment insurance claim. The Appeals Section can only consider offers of work that are made within a claimant's benefit year. The record indicates a job separation occurred in early June. It does not appear that the reasons for this employment separation have been investigated. Therefore, the issue of whether the claimant's employment separation in early June was for disqualifying or nondisqualifying reasons is remanded to the Claims Section.

DECISION:

The representative's November 2, 2005 decision (reference 01) is modified, but the modification has no legal consequence. Since the claimant did not perform any services or receive any

wages for a job that was to have started July 5, the claimant did not quit this job. An issue of whether the claimant's employment separation in early June 2005, however, is remanded to the Claims Section to determine if the claimant's most recent employment separation was for disqualifying or nondisqualifying reasons. As of October 2, 2005, the claimant is qualified to receive unemployment insurance benefits, provided she meets all other eligibility requirements.

dlw/s