

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTOPHER T JOHNSON
Claimant

APPEAL NO. 10A-EUCU-00057-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

OC: 03/22/09
Claimant: Respondent (1)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Labor Ready Midwest, Inc. filed an appeal from a representative's decision dated January 14, 2010, reference 07, which held that no disqualification would be imposed regarding Christopher Johnson's separation from employment. After due notice was issued, a hearing was held by telephone at 8:00 a.m. on March 9, 2010. The employer participated by Jessica Spinello, Branch Manager. Exhibits One, Two, and Three were admitted on the employer's behalf. Mr. Johnson responded to the notice of hearing but was not available at the number provided at the scheduled time of the hearing. He did not contact the Appeals Bureau until 8:35 a.m. Because he did not have good cause for not participating at the scheduled time, the administrative law judge declined to reopen the hearing record.

ISSUE:

At issue in this matter is whether Mr. Johnson 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. Johnson began working for Labor Ready on or about November 10, 2009. The employer witness did not have specific information regarding his job assignments or his last day worked. The employer's sign-in sheet shows a Chris Johnson signing in for work on November 24 (Exhibit Three). The telephone number listed next to the name is consistent with the telephone number listed on Mr. Johnson's application for employment with Labor Ready (Exhibit One).

REASONING AND CONCLUSIONS OF LAW:

Mr. Johnson 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. See 871 IAC 24.26(19), (22). The employer did not have details concerning Mr. Johnson's assignments. Absent evidence to the contrary, the administrative law judge concludes that he completed his last assignment. Without knowing the ending date of his last

assignment, the administrative law judge cannot determine whether he sought reassignment within three working days of the end of the assignment.

The witness who participated on behalf of the employer had not been advised of the hearing. However, the employer's authorized representative had received the required notice. The representative sent in exhibits which made specific reference to the hearing date and time. Moreover, the representative notified Workforce Development of the name and telephone number of the employer's designated witness.

The evidence as a whole failed to establish any basis on which to disqualify Mr. Johnson from receiving job insurance benefits. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated January 14, 2010, reference 07, is hereby affirmed. Mr. Johnson was separated from Labor Ready for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css