

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

STEVEN A SHUART  
614 – 14<sup>TH</sup> ST SE  
CEDAR RAPIDS IA 52403

LABOR READY MIDWEST INC  
ATTN PAYROLL TAX DEPT  
PO BOX 2910  
TACOMA WA 98401-2910

**AMENDED**  
Appeal Number: 04A-UI-12480-AT  
OC: 10/10/04 R: 03  
Claimant: Appellant (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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quitting

STATEMENT OF THE CASE:

Steven A. Shuart filed a timely appeal from an unemployment insurance decision dated November 15, 2004, reference 01, which disqualified him for benefits. After due notice was issued, a telephone hearing was held December 13, 2004 with Mr. Shuart participating. Branch Manager James Deromedi participated for the employer, Labor Ready Midwest, Inc.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Steven A. Shuart was employed by Labor Ready Midwest, Inc. on assignment at Blue Stem Waste Management on a continuing assignment. He worked on May 4, 2004 but did not report to work or contact Blue Stem or Labor Ready Midwest on May 5, May 6 or May 7, 2004. Further work would have been available had he reported to work.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Mr. Shuart had good cause attributable to the employer for his resignation. It does not.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

The evidence in the record establishes that Mr. Shuart simply failed to return to work. His testimony indicated alternately that he had gone to work for another employer or had gone into self employment. Absent evidence of covered employment commencing shortly after May 4, 2004, the administrative law judge concludes that the separation was a disqualifying event. Benefits are withheld.

DECISION:

The unemployment insurance decision dated November 15, 2004, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

tjc/tjc/b