

**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**

**WILLIAM L GROTHUSEN
1414 – 25TH ST
BETTENDORF IA 52722**

**QUALIFY CONTROLLED STAFFING INC
2550 MIDDLE RD
BETTENDORF IA 52722**

**Appeal Number: 06A-UI-00081-CT
OC: 12/04/05 R: 04
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 for Misconduct

STATEMENT OF THE CASE:

Qualify Controlled Staffing, Inc. filed an appeal from a representative's decision dated December 23, 2005, reference 01, which held that no disqualification would be imposed regarding William Grothusen's separation from employment. After due notice was issued, a hearing was held by telephone on January 19, 2006. Mr. Grothusen participated personally. The employer participated by Bob Eckerman, President.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Grothusen has been employed by Quality Controlled Staffing, Inc. for the past three years. He has always been assigned to seasonal

work on the golf course with the City of Bettendorf. He works performing general maintenance on a full-time basis. Mr. Grothusen was laid off on December 4, 2005, at the end of the golf season. He is expected to be recalled in the spring of 2006. Quality Controlled Staffing, Inc. did not offer Mr. Grothusen other work when the golf season ended.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Grothusen was separated from employment for any disqualifying reason. He is unemployed because he was laid off for the season with the anticipation of being recalled in the spring of 2006. The separation was initiated by the employer due to lack of work and not because of any misconduct on Mr. Grothusen's part. The fact that an individual knows the employment is seasonal at the time of hire is not a basis on which benefits may be denied.

Because Mr. Grothusen is unemployed through no fault of his own, he is entitled to job insurance benefits. The employer failed to establish that there was other work available for Mr. Grothusen as of December 4, 2005. For the reasons stated herein, benefits are allowed.

DECISION:

The representative's decision dated December 23, 2005, reference 01, is hereby affirmed. Mr. Grothusen was separated from employment for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/kjw