

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROOSEVELT A PERRY

Claimant

APPEAL NO. 11A-UI-07402-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST

Employer

OC: 05/01/11

Claimant: Appellant (2)

Section 96.5-1-j – Separations from Temporary Employment

STATEMENT OF THE CASE:

Roosevelt A. Perry filed a timely appeal from an unemployment insurance decision dated June 2, 2011, reference 03, that disqualified him for benefits. After due notice was issued, a telephone hearing was held June 29, 2011, with Mr. Perry participating. His former employer, Labor Ready Midwest, did not respond to the hearing notice. The administrative law judge takes official notice of Agency benefit payment records.

ISSUE:

Was the claimant's separation from employment with Labor Ready Midwest a disqualifying event?

FINDINGS OF FACT:

Roosevelt A. Perry last worked a one-day assignment for Labor Ready Midwest on or about December 15, 2010. He returned the next day to see if further work was available. None was.

Mr. Perry filed a claim for unemployment insurance benefits effective May 1, 2011. His weekly benefit amount is \$220.00. In the first calendar quarter of 2011, Mr. Perry was paid insured wages of \$4,464.00.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant's separation from employment was a disqualifying event. It was not.

The evidence in the record establishes that Mr. Perry contacted his temporary employer, Labor Ready Midwest, on the day following the end of his last assignment but found that no work was available. No disqualification should be imposed under Iowa Code section 96.5-1-j.

The record also establishes that Mr. Perry had earned more than ten times his weekly benefit amount in wages for insured work after his employment with Labor Ready Midwest had ended but before he filed his claim for unemployment insurance benefits during the first week of

May 2011. Even if his separation from Labor Ready Midwest had been a disqualifying event, the evidence shows that he has re-qualified through his subsequent earnings.

DECISION:

The unemployment insurance decision dated June 2, 2011, reference 03, is reversed. The claimant is entitled to receive unemployment insurance benefit, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw