

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LARRY D RATLIFF SR
Claimant

APPEAL NO. 07A-UI-06812-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

USA STAFFING INC – LABOR WORLD IA
Employer

OC: 06/17/07 R: 02
Claimant: Appellant (1)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Larry Ratliff filed an appeal from a representative's decision dated July 9, 2007, reference 02, which denied benefits based on his separation from USA Staffing, Inc. After due notice was issued, a hearing was held by telephone on July 30, 2007. The employer participated by Kerri Green, Branch Manager, and was represented by Jeff Oswald of Unemployment Services. Mr. Ratliff responded to the notice of hearing but was not available at the number provided at the scheduled time of the hearing.

ISSUE:

At issue in this matter is whether Mr. Ratliff was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Ratliff was employed by USA Staffing, Inc. from October 6, 2005 until April 11, 2007. His last assignment was with Bio-Life Plasma, where he began working on April 10, 2007. Mr. Ratliff left work before the end of his shift and without checking with a supervisor on April 10.

Mr. Ratliff called USA Staffing, Inc. on April 11 to report that he would be absent because he had to be in court. He was told a check would need to be made with Bio-Life Plasma to see if he could return since he had walked off the job the day prior. Mr. Ratliff denied leaving without authorization and indicated Joe had given him permission to leave. Joe indicated he had not given him permission to leave and checked with another supervisor to see if he had given permission to leave. Because he had not checked with anyone before leaving on April 10, Mr. Ratliff was told on April 11 that he could not return to the assignment.

Because of his conduct in walking off the job on April 10, USA Staffing, Inc. will no longer place Mr. Ratliff in assignments. Therefore, he was not offered other work on April 11.

REASONING AND CONCLUSIONS OF LAW:

Mr. Ratliff did not quit his employment on April 10. The fact that he called the following day is indicative of an intent to remain in the employment. It was the employer's decision that he would not be allowed to continue working. As such, it is concluded that he was discharged from his assignment with Bio-Life Plasma because he walked off the job on April 10. An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982).

Mr. Ratliff knew or should have known that walking off the job before the end of the work shift without permission was contrary to the standards expected by both Bio-Life Plasma and USA Staffing, Inc. The evidence of record does not disclose any emergency situation that required him to leave work early on April 10 without first speaking to a supervisor. The administrative law judge concludes that Mr. Ratliff's conduct in walking off the job constituted a substantial disregard of the employer's standards and interests. As such, it constitutes disqualifying misconduct. Accordingly, benefits are denied.

DECISION:

The representative's decision dated July 9, 2007, reference 02, is hereby affirmed. Mr. Ratliff was discharged for misconduct in connection with his employment. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css