

**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**

**JANICE WOODS
1233 – 3RD AVE SE #6
CEDAR RAPIDS IA 52403**

**LABOR READY MIDWEST INC
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283**

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

**Appeal Number: 05A-UI-00129-CT
OC: 12/05/04 R: 03
Claimant: Respondent (2)**

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(1) – Voluntary Quit
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Labor Ready Midwest, Inc. filed an appeal from a representative's decision dated December 23, 2004, reference 01, which held that no disqualification would be imposed regarding Janice Woods' separation from employment. After due notice was issued, a hearing was held by telephone on January 21, 2005. The employer participated by James Deromedi, Branch Manager. Ms. Woods responded to the hearing notice and left two numbers at which to be contacted for the hearing. The person answering the telephone at the first number indicated that Ms. Woods was not there. The second number was answered by voice mail and indicated that Ms. Woods was not available. Ms. Woods has not contacted the Appeals Section concerning her failure to participate in the hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Woods initially began working through Labor Ready in June of 1999. More recently, she began working on August 16, 2004 and was assigned to work at Twin City Concrete in Vinton, Iowa. At the end of each day she would be given a ticket which advised whether she was to return for further work the next work day. Ms. Woods worked on the assignment until September 2. She did not return to work the next scheduled work day even though she had been given a ticket to return to the assignment. She did not notify Labor Ready that she was leaving the assignment. Continued work on the assignment would have been available through at least November 5, 2004.

Ms. Woods' assignment with Twin City Concrete was in Vinton, a 40-minute drive from her home in Cedar Rapids. She had been riding to the assignment with other employees.

Ms. Woods has received a total of \$606.00 in job insurance benefits since filing her claim effective December 5, 2004.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Woods was separated from employment for any disqualifying reason. She was hired for placement in temporary work assignments. An individual so employed must complete her last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Ms. Woods did not complete her last assignment with Twin City Concrete as she failed to return to the assignment as requested following her last day at work. The assignment continued as long as she was given a ticket to return. Because Ms. Woods did not continue working until her services were no longer needed, her separation is considered a voluntary quit.

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Woods did not participate in the hearing to explain why she left the assignment. Inasmuch as she was riding to work with others, transportation does not appear to be an issue. Moreover, the employer was not responsible for providing her transportation. Furthermore, she accepted the assignment with full knowledge of the work location and distance from her home. For the above reasons, the administrative law judge concludes that Ms. Woods did not have good cause attributable to the employer for quitting. Accordingly, benefits are denied.

Ms. Woods has received benefits since filing her claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated December 23, 2004, reference 01, is hereby reversed. Ms. Woods quit her employment with Labor Ready for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility. Ms. Woods has been overpaid \$606.00 in job insurance benefits.

cfc/pjs