

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

JACOB R MCMORRAN
3804 W LOCUST ST
DAVENPORT IA 52804-3012

RICHARD O JACOBSON ET AL
JACOBSON INDUSTRIAL SERVICES
1321 E EUCLID AVE
DES MOINES IA 50316

Appeal Number: 06A-UI-06262-HT
OC: 05/14/06 R: 04
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) – Quit

STATEMENT OF THE CASE:

The employer, Jacobson Industrial Services (Jacobson), filed an appeal from a decision dated June 8, 2006, reference 02. The decision allowed benefits to the claimant, Jacob McMorran because he had refused an offer of work due to being employed elsewhere at the time. After due notice was issued a hearing was held by telephone conference call on July 10, 2006. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by Operations Manager Bert Shinbori.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Jacob McMorran began working for Jacobson on April 4, 2005. He was hired as the concession stand manager at the Quad Cities baseball park. This was a seasonal job which ended September 2005.

On March 22, 2006, the claimant attended an evening orientation session, along with other people hired for the baseball season at the concession stand. He was paid for this time and it was a commitment on his part to work the season. He was to report to work on April 10, 2006, but was no-call/no-show. Operations Manager Bert Shinbori contacted him and asked why he was not at work. Mr. McMorran said he wanted to devote his efforts to his other part-time job.

Mr. McMorran filed for unemployment benefits with an effective date of May 14, 2006. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant quit work for reasons which would disqualify him unemployment benefits.

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 claimant did not refuse an offer of available work, he did accept it by going to the orientation for the seasonal employees and committing himself to report for work on April 10, 2006. His reason was that he wanted to devote more time to his other part-time job. This does not constitute good cause attributable to the employer for quitting.

Mr. McMorran may have requalified for benefits by earning ten times his weekly benefit amount subsequent to his resignation on April 10, 2006. However, no information was available on this issue.

DECISION:

The representative's decision of June 8, 2006, reference 02, is reversed. Jacob McMorran is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

The claimant should provide wage information to his local Workforce Center to determine if he has earned ten times his weekly benefit amount since his separation from this employment on April 10, 2006.

bgh/pjs