

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL K THORNE
Claimant

APPEAL NO. 09A-UI-19311-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 06/21/09
Claimant: Appellant (2)

Section 96.5-1 - Voluntary Quit
871 IAC 24.27 - Voluntary Quit of Part-time Job

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated December 14, 2009, reference 02, that concluded the claimant voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on February 4, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Joey Vogel. Sarah Fieldler participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit part-time employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of June 21, 2009. The claim was based on his full-time employment with Allsteel Inc.

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. When the claimant was hired, he signed a statement that he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment. The work rules also require employees to notify the employer if they were not able to work as scheduled. The claimant worked part time for the employer on an assignment at H.J. Heinz from September 3 to November 11, 2009.

The claimant was scheduled to work on the evening of November 12. He talked to an account manager that day. He told her he had got very little sleep the night before, had things to do yet that afternoon, and did not know if he was going to be at work that night. The account manager directed him to call in if he was not going to work. The claimant was absent without notice that night due to oversleeping.

The claimant was next scheduled to work on November 16. He did not report to work or call in for that shift. The employer did not hear from the claimant again until January. Continuing part-time work would have been available for the claimant.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

871 IAC 24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on the Form 65-5323 or 60-0186, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

I conclude the claimant voluntarily left employment after November 12 by failing to maintain contact with the employer.

He quit employment without good cause attributable to the employer. The job, however, was part time, and the claimant has sufficient wages from other employers to qualify to receive unemployment insurance benefits. Therefore, the claimant is eligible for benefits.

Pursuant to the rule, the employer's account will not be subject to charge for benefits paid to the claimant.

DECISION:

The unemployment insurance decision dated December 14, 2009, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, provided he is otherwise eligible. The employer's account will be exempt from charge for benefits paid to the claimant.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css