

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAKEYTA Y CLARK
Claimant

APPEAL NO: 15A-UI-02481-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ELS OF FLORIDA INC
Employer

OC: 01/18/15
Claimant: Respondent (4)

Iowa Code § 96.5(1) – Voluntary Quit
Iowa Code § 96.7(2) – Employer Liability

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's February 13, 2015 determination (reference 05) that held the claimant eligible to receive benefits because as of January 18, 2015 she was able to and available for work. The employer appealed the reasons for claimant's employment separation and that was the issue noted on the hearing notice. The claimant did not respond to the hearing notice or participate at the March 30 hearing. Jim Clyde, an assistant manager, appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes that based on this employment separation the claimant is qualified to receive benefits because she earned requalifying wages after she worked for the employer and the employer's account will not be charged.

ISSUES:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

Is the employer's account subject to charge?

FINDINGS OF FACT:

The employer is a staffing agency. The claimant registered to work for the employer in February 2014. The last job assignment the claimant worked at for the employer in her base period started on August 14, 2014. She worked one day at this assignment and then did not return to work. There was continued work for the claimant. The employer does not know why the claimant did not return to work at this assignment after August 14, 2014.

After the claimant worked for the employer she has worked for other employers before she established her claim for benefits during the week of January 18, 2015. The claimant's maximum weekly benefit amount is \$216. The claimant earned more than \$6000 from another employer in the fourth quarter of 2014.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code § 96.5(1), (2)a. When the claimant did not call or return to work after August 14, 2014, she abandoned this assignment (employment) and quit. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The evidence does not establish why the claimant did not return to work after August 14, 2014. The claimant may have had compelling reasons for leaving this job assignment, but the evidence does not establish that she quit for reasons that qualify her to receive benefits. Since the claimant voluntarily quit without good cause attributable the employer, the employer's account will not be charged. Iowa Code § 96.7(2)a.

When a claimant voluntarily quits without good cause and subsequently earns more than ten times her weekly benefits amount, she has earned requalifying wages and is eligible to receive benefits. 871 IAC 24.28. After August 14, 2014, but before January 18, 2015, the claimant earned more than ten times her weekly benefit amount. She earned requalifying wages. Therefore, this employment separation does not disqualify her from receiving benefits as of January 18, 2015.

DECISION:

The representative's February 13, 2015 determination (reference 05) is modified in the employer's favor. The claimant voluntarily quit this employment in mid-August 2014, for reasons that would disqualify her from receiving benefits. Since the claimant earned requalifying wages after mid-August 2014, but before she established her claim during the week of January 18, 2015, she is not disqualified from receiving benefits. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs