

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERRY D JORDAN
Claimant

APPEAL NO: 08A-UI-09780-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CAMBRIDGE TEMPOSITIONS INC
Employer

OC: 09/21/089 R: 03
Claimant: Appellant (1/R)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Terry D. Jordan (claimant) appealed a representative's October 22, 2008 decision (reference 02) that held him disqualified from receiving benefits, and the account of Cambridge TEMPositions, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 6, 2008. The claimant participated in the hearing. Stephanie Matteson, an account manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

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

FINDINGS OF FACT:

The employer assigned the claimant and two of his relatives to a two- or three-day job assignment at Alliant Energy. The claimant worked at the assignment on August 18, 2008. Before he went to work on August 19, the claimant was working in his garage and mixed some chemicals. When his relatives came to pick him up for work, the claimant did not feel well. The claimant's relatives took him to the hospital.

Alliant Energy contacted the employer on August 20 asking why no one had been at work on August 19, 2008. Alliant Energy's call was the first time the employer received information that the claimant and his relatives had not worked on August 19 or gone to the assignment on August 20. The employer sent other people to the Alliant assignment to complete the job. The employer did not receive any call from the claimant or the other people assigned to the job that any of them were unable to work on August 19. The employer has no record that the claimant contacted the employer on August 19 or 20.

The first time Matteson had any contact with the claimant was August 29, 2008, when he picked up his paycheck. Matteson joked that she would not assign the claimant to anymore assignments. The claimant took offense at this comment.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. The facts establish the claimant quit the Alliant Energy job assignment by not completing it or returning to the assignment after August 18. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6-2.

The first issue that must be addressed is the credibility of the witnesses. The claimant asserted that both he and his relatives contacted Matteson on August 19 to report that he was unable to work at the Alliant Energy job assignment. The claimant also asserted he called Matteson the next day, August 20, asking about another job assignment. Matteson, however, testified that the first time she learned no one had been at the Alliant Energy assignment on August 19 was when Alliant Energy contacted her on August 20 to ask why no one had worked the day before and that the assignment had not been completed. The employer then assigned other people to complete that assignment. In assessing the credibility of the witnesses, it is difficult to understand why the claimant did not go to the Alliant Energy job assignment after he was released from the hospital that morning. The claimant did not assert that he was restricted from working on August 19. If a physician told him could not work, the claimant did not provide the employer with any documentation to verify this fact. The claimant did not provide any work restrictions to this effect during the hearing. Also, even though the claimant's relatives took him to the hospital, it is difficult to understand why they did not go to work, even late, on August 19. For the above reasons, the claimant's testimony is not found credible. Therefore, the facts establish that the claimant did not contact the employer on August 19 or talk to the employer until August 29, when he picked up his paycheck.

Although the claimant went to the hospital on August 19 after he mixed some chemicals in his garage, he did not establish that he quit a job assignment or did not complete a job assignment for any reason that qualifies him to receive benefits. As of September 21, 2008, the claimant is not qualified to receive benefits.

During the hearing, the employer asked that a decision be made concerning a job offer the employer presented to the claimant on September 30, 2008. This issue is remanded to the Claims Section to determine.

DECISION:

The representative's October 22, 2008 decision (reference 02) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of September 21, 2008. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged. An issue of whether the claimant refused the employer's September 30, 2008 offer of work without good cause is remanded to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw