

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

JOSHUA L DAVIS	:	
	:	
Claimant	:	HEARING NUMBER: 20B-UI-04347
	:	
and	:	EMPLOYMENT APPEAL BOARD
	:	DECISION
TEAM STAFFING SOLUTIONS INC	:	
	:	
Employer	:	

SECTION: 10A.601 Employment Appeal Board Review

DECISION

FINDINGS OF FACT:

A hearing in the above matter was scheduled for June 8, 2020 in which the issues to be determined were whether the Claimant was laid off; discharged for misconduct; or whether the Claimant voluntarily left for good cause attributable to the employer; and whether the Claimant was overpaid. Additional issues to be addressed were whether the Claimant should repay benefits and/or charge the Employer due to Employer participation in the Fact-finding Interview.

At the hearing, the Claimant indicated he told the Employer, Team Staffing, he ended his assignment with Siemens because he didn't believe he would ever be hired as a permanent employee. The record is silent as to whether the Claimant requested an additional assignment. The administrative law judge's decision was issued June 8, 2020, which determined that the Claimant was denied benefits because he voluntarily quit his employment with Team Staffing. The administrative law judge's decision has been appealed to the Employment Appeal Board.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2019) provides:

5. Appeal board review. The appeal board may on its own motion affirm, modify, or set aside any decision of an administrative law judge on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The appeal board shall permit such further appeal by any of the parties interested in a decision of an administrative law judge and by the representative whose decision has been overruled or modified by the administrative law judge. The appeal board shall review the case pursuant to rules adopted by the appeal board. The appeal board shall promptly notify the interested parties of its findings and decision.

The Employment Appeal Board concludes that the record as it stands is insufficient for the Board to issue a decision on the merits of the case. As the Iowa Court of Appeals noted in *Baker v. Employment Appeal Board*, 551 N.W. 2d 646 (Iowa App. 1996), the administrative law judge has a heightened duty to develop the record from available evidence and testimony given the administrative law judge's presumed expertise. There was no evidence adduced as to whether or not the Claimant requested an additional assignment once his assignment with Siemens was ended. Since we do not know the answers to these questions, the Board must remand this matter for the taking of additional evidence to determine if the Claimant requested a new assignment.

DECISION:

The decision of the administrative law judge dated June 29, 2020 is not vacated and remains in force unless and until the Department makes a differing determination pursuant to this remand. This matter is remanded to an administrative law judge in the Unemployment Insurance Appeals Bureau, for further development of the record consistent with this decision, unless otherwise already addressed. The administrative law judge shall conduct a hearing following due notice, if necessary. If a hearing is held, then the administrative law judge shall issue a decision which provides the parties appeal rights.

Ashley R. Koopmans

James M. Strohman

Myron R. Linn

AMG/fnv