

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARL R WESTEMEIER
Claimant

APPEAL NO: 10A-UI-11396-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SPHERION STAFFING LLC
Employer

**OC: 06/27/10
Claimant: Respondent (1)**

871 IAC 24.1(113) - Layoff

STATEMENT OF THE CASE:

The employer appealed a representative's August 5, 2010 decision (reference 02) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation was for nondisqualifying reasons. A telephone hearing was held on September 29, 2010. The claimant participated in the hearing. Sonoa Lemke 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 claimant registered to work for the employer since May 1992. In June 2010, the claimant worked as a lead for one of the employer's clients. On June 24, the claimant went to the employer's office and informed the employer the business where the claimant and others worked would be closed for about two weeks.

The client called the claimant back to work on July 7. The claimant started calling back employees on July 7, 2010.

The employer called the claimant about another job on either June 30 or July 7. This job was in North Liberty at the Amanas. After the claimant told the employer he did not have money for gas to drive to North Liberty, the employer did not explain what the job involved or what the job paid. The job would not have paid the claimant the wages he earned as a lead employee.

The claimant established a claim for benefits during the week of June 27, 2010. He filed for and received benefits during the weeks he was on a temporary layoff.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if the claimant voluntarily quits employment without good cause attributable to the employer, or an employer has discharged the claimant for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1. 2-a.

An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5-1-j.

The facts establish on June 24, 2010, the claimant informed the employer he and others would be laid off for about two weeks. The claimant established that he satisfied the requirements of Iowa Code § 96.5-1-j. The evidence establishes the employer contacted the claimant about another job when he was on a layoff.

A layoff is a suspension from pay status (lasting or expected to last more than seven consecutive calendar days without pay) initiated by the employer without prejudice to the worker for seasonal employment. 871 IAC 24.1(113). The facts show the claimant was on a temporary layoff and is eligible to receive benefits as of June 27, 2010.

DECISION:

The representative August 5, 2010 decision (reference 02) is affirmed. The claimant is eligible to receive benefits as of June 27, 2010, because he was on a temporary layoff. The claimant immediately reported the layoff to the employer. The employer's account may be charged for benefit since the claimant did not quit and the employer did not discharge him.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css