

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JUAN A BELTRAN**  
Claimant

**APPEAL NO. 09A-UI-19315-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC  
SEDONA STAFFING**  
Employer

**Original Claim: 08/16/09  
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated December 15, 2009, reference 08, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 5, 2010. Claimant participated. Employer participated by Rhonda Stout, Branch Manager, and Colleen McGuinty, Unemployment Benefits Administrator.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: Claimant last worked for employer on November 18, 2009. Claimant was laid off his temporary assignment due to lack of work. The layoff call came from employer. Claimant asked for further assignment when he was told that he was laid off. Employer has a policy that demands that an employee contact the employer within three days of a layoff to make themselves available for work. Claimant was informed of this policy at the time of hire.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of a layoff. Claimant did ask for work within three days of the layoff. The call by employer was sufficient to satisfy the three-day rule, because claimant asked for further assignment. The three-day rule's purpose is to let employer know when an employee is out of work. It does not matter whether claimant makes the call or employer makes the call. This is a separation for cause attributable to employer. Benefits allowed.

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.

**DECISION:**

The decision of the representative dated December 15, 2009, reference 08, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/kjw