

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DONALD SALSER
Claimant

**APPEAL NO: 06A-UI-08254-BT
ADMINISTRATIVE LAW JUDGE
DECISION**

CAMBRIDGE TEMPOSITIONS INC
Employer

**OC: 11/27/05 R: 04
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Cambridge Tempositions, Inc. (employer) appealed an unemployment insurance decision dated August 15, 2006, reference 02, which held that Donald Salser (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 31, 2006. The claimant participated in the hearing. The employer participated through Andrea Sullivan, Account Manager. 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:

Has the claimant had a disqualifying separation from this employer?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a part-time general laborer with this temporary employment agency since April 10, 2002. He continues to be employed with Cambridge Tempositions but when it contacted the claimant on August 1, 2006 to offer him an assignment, he reported that he is currently working at an assignment for another temporary agency. There has been no separation from employment.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. All terminations of employment are generally classified as layoffs, quits, discharges or other separations. 871 IAC 24.1(113)(a). A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer or an employer has discharged the claimant for work-connected misconduct. Iowa Code sections 96.5-1 and 96.5-2-a.

The evidence establishes the claimant continues to work for Cambridge Temposition and there has been no separation from employment. However, since he is currently working at an assignment for another temporary agency, he is not available to work. Therefore, benefits are denied as of the week ending August 5, 2006.

DECISION:

The unemployment insurance decision dated August 15, 2006, reference 02, is reversed. Benefits are denied as of August 5, 2006 as the claimant does not meet the availability requirements of the law. There is no overpayment as a result of this decision.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs