

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CORINNE K BROWN
Claimant

APPEAL NO. 09A-UI-05684-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC – SEDONA STAFFING
Employer

**Original Claim: 03/08/09
Claimant: Respondent (1)**

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Sedona Staffing filed an appeal from a representative's decision dated April 3, 2009, reference 01, which held that no disqualification would be imposed regarding Corinne Brown's separation from employment. After due notice was issued, a hearing was held by telephone on May 7, 2009. Ms. Brown participated personally. The employer participated by Colleen McGuinty, Unemployment Benefits Administrator, and Kathy Hutchinson, Office Manager.

ISSUE:

At issue in this matter is whether Ms. Brown was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Brown began working for Sedona Staffing, a temporary placement firm, in April of 2006. Her last assignment was with M C Industries, where she worked from August 25, 2008 until February 24, 2009. She was released from the assignment due to attendance issues. The final absence was on February 24, when she was absent to take her son for a doctor's appointment. She was absent two days the prior week due to transportation issues.

Ms. Brown was contacted by Kathy Hutchinson of Sedona Staffing on February 24 and told her assignment was over. Ms. Brown asked about the availability of other work, but none was available. She checked in for work again on March 27, but there was still no work available.

REASONING AND CONCLUSIONS OF LAW:

Ms. Brown completed her last assignment as she worked until there was no further work for her. She immediately sought reassignment when notified that the assignment was over. Since Sedona Staffing did not have other work when she sought reassignment on February 24, 2009, she is entitled to benefits pursuant to Iowa Code section 96.5(1)j.

Even if the administrative law judge were to conclude that Ms. Brown was discharged, there would still be no basis for disqualification. An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). An individual who was discharged because of attendance is disqualified from benefits if she was excessively absent on an unexcused basis. In order for an absence to be excused, it must be for reasonable cause and must be properly reported. 871 IAC 24.32(7).

There must be a current act of unexcused absenteeism to support a disqualification from benefits. See 871 IAC 24.32(8). In the case at hand, Ms. Brown's separation was prompted by the absence of February 24. However, the absence was for reasonable cause, as she was taking her minor child for medical care and it was reported to the employer. As such, it was an excused absence. Therefore, no disqualification would be imposed, as the discharge was not triggered by an act of misconduct.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that Ms. Brown was separated from Sedona Staffing for no disqualifying reason. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated April 3, 2009, reference 01, is hereby affirmed. Ms. Brown was separated from employment for no disqualifying reason. Benefits are allowed, provided, she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw