

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

JAMIE A LANE  
APT 6  
1608 'C' AVE NE  
CEDAR RAPIDS IA 52402-5263

LF STAFFING SERVICES INC  
LABOR FINDERS  
C/o JON-JAY ASSOCIATES INC  
PO BOX 182523  
COLUMBUS OH 43218-2523

Appeal Number: 06A-UI-01668-HT  
OC: 01/08/06 R: 03  
Claimant: Respondent (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Labor Finders, filed an appeal from a decision dated February 7, 2006, reference 03. The decision allowed benefits to the claimant, Jamie Lane. After due notice was issued, a hearing was held by telephone conference call on February 28, 2006. The claimant participated on her own behalf. The employer participated by Branch Manager Tracy Gutkencht.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Jamie Lane began working for Labor Finders on September 21, 2005. Employment is considered to end when each assignment is concluded,

and the employees must come to the office and "sign in" any day on which they are available and seeking work.

Ms. Lane's last assignment began on Saturday, December 17, 2005, when she started a three-day assignment at Fisher Paper. She was to work December 17, 19, and 20, 2005. She worked the first two days but called in and notified Assistant Manager Sherry Bennett on December 20, 2005, because her grandmother had to be taken to the hospital and she needed to accompany her to handle the registration and other administrative matters.

The claimant did not sign back in with the employer for more work until December 29, 2005, and again on January 6, 2006. At neither time was any work available to her. Branch Manager Tracy Gutkencht maintained the claimant could have been returned to work, but it was first of all necessary she be "counseled" about her attendance and no-call/no-shows during her employment. However, this requirement was never conveyed by anyone to the claimant.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is not.

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.

The record establishes the claimant did not quit, but returned to offer her services to Labor Finders when the family medical emergency had passed. The employer's representative did not have a full understanding of the situation as she testified the claimant had not contacted the employer after December 20, 2005, when her own records showed two contacts had been made.

If the claimant did not come in and speak with the branch manager to be counseled prior to returning to work, it was because this requirement was never conveyed to her by anyone at Labor Finders.

#### DECISION:

The representative's decision of February 7, 2006, reference 03, is affirmed. Jamie Lane is qualified for benefits, provided she is otherwise eligible.

bgh/kjw