

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NICKOLAS E TAYLOR
Claimant

APPEAL NO: 13A-UI-00970-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AVENTURE STAFFING
Employer

OC: 12/09/12

Claimant: Appellant (4)

Section 96.5-1 – Voluntary Leaving/Requalification

STATEMENT OF THE CASE:

Nickolas E. Taylor (claimant) appealed a representative's January 14, 2013 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Aventure Staffing (employer). Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held on February 26, 2013. At the time for the hearing but in lieu of the hearing being held, the administrative law judge determined and the parties concurred that no hearing was necessary and that a decision could be made on the record. Based on a review of the available information and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was there a disqualifying separation from employment either through a voluntary quit without good cause attributable to the employer or through a discharge for misconduct?

ISSUE:

Did the claimant's April 25, 2012 separation disqualify him from benefits and is the employer's account subject to charge?

FINDINGS OF FACT:

The employer is a temporary staffing agency. The claimant's last assignment ended on April 25, 2012. The employer asserted that the claimant did not separately contact the employer within three days of the end of the assignment to seek reassignment as required by the employer's policies to avoid being considered to be a voluntary quit.

The claimant established a claim for unemployment insurance benefits effective December 9, 2012. His weekly benefit amount was calculated to be \$99.00. After the ending of the assignment on April 25, 2012 and prior to establishing his claim effective December 9, 2012, the claimant earned at least \$990.00 with another employer.

REASONING AND CONCLUSIONS OF LAW:

The wages the claimant earned with the employer are in his base period. During the claimant's current benefit year, the employer's account is potentially subject to charge. The employer asserted the claimant voluntarily quit as of April 25, 2012, because he did not request another job assignment within three days. However, this issue does not need to be addressed because after the claimant worked for the employer but before he filed his claim for benefits December 9, 2012, he earned more than \$990.00 in wages from another employer. As a result, the reasons for his separation in April 2012 do not affect the claimant's eligibility to receive unemployment insurance benefits. 871 IAC 24.28(1). This also means the employer's account will not be charged for any benefits the claimant receives.

DECISION:

The representative's January 14, 2013 decision (reference 02) is modified in favor of the claimant. The claimant is requalified to receive unemployment insurance benefits after his job assignment on April 25, 2012. Since the claimant has requalified to receive unemployment insurance benefits, the employer's account will not be charged.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs