

**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**

**ADRIANA A CARRILLO  
514½ W 3<sup>RD</sup> #2  
MUSCATINE IA 52761**

**MANPOWER TEMPORARY SERVICES  
C/O TALX UC EXPRESS  
PO BOX 66864  
ST LOUIS MO 63166-6864**

**Appeal Number: 05A-UI-07286-CT  
OC: 06/05/05 R: 04  
Claimant: Respondent (4)**

**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.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

Section 96.4(3) – Able and Available  
Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Manpower Temporary Services filed an appeal from a representative's decision dated July 5, 2005, reference 01, which held that Adriana Carrillo satisfied the availability requirements of the law. After due notice was issued, a hearing was held by telephone on August 4, 2005. The employer participated by Melissa Perez, Staffing Specialist. Ms. Carrillo did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Carrillo began accepting assignments through

Manpower in February of 2004. She completed an assignment on June 3, 2005 and filed a claim for job insurance benefits effective June 5, 2005. Ms. Carrillo subsequently accepted a new assignment and began working for Industrial Packaging Corporation on June 13. The assignment was of indefinite duration and could have resulted in regular employment. Ms. Carrillo voluntarily quit the assignment on July 5 because of a family emergency out of town. The employer has made attempts to contact her thereafter but she is still out of town.

Ms. Carrillo last claimed job insurance benefits the week ending June 11, 2005.

#### REASONING AND CONCLUSIONS OF LAW:

The first issue in this matter is whether Ms. Carrillo has satisfied the availability requirements of the law since filing her claim effective June 5, 2005. When she filed her claim, she was between assignments, having completed her last assignment on June 3. Inasmuch as she accepted a new assignment and began working again on June 13, the administrative law judge concludes that she was available for work during the interim. There was no evidence that she did not make herself available to the employer during the period between June 3 and June 13.

As of July 5, Ms. Carrillo was no longer available for work due to a family emergency. She apparently went out of town at that point and has not yet returned. Because she is out of town, she is not available in the labor market. Ms. Carrillo has not established that she has been available for work since July 5, 2005, as required by Iowa Code section 96.4(3). Therefore, benefits are denied as of the Sunday of that week, July 3, 2005. Ms. Carrillo has not been overpaid job insurance benefits, as she has not claimed benefits since the week ending June 11, 2005.

This appeal also raises the issue of Ms. Carrillo's separation from Manpower on July 5. She voluntarily quit the employment. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Carrillo quit because of a family emergency. Where an individual quits employment because of serious family needs or responsibilities, the separation is not for good cause attributable to the employer. See 871 IAC 24.25(23). For the above reasons, the separation of July 5, 2005 was a disqualifying event.

#### DECISION:

The representatives' decision dated July 5, 2005, reference 01, is hereby modified. Ms. Carrillo is allowed job insurance benefits effective June 5, 2005. Benefits are denied effective July 3, 2005, as she voluntarily quit her employment for no good cause attributable to the employer and was not available for work. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility, including availability.

cfc/kjw