

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JACOB B MYERS

Claimant

APPEAL NO: 10A-UI-14162-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JACOBSON STAFFING COMPANY LC

Employer

OC: 09/05/10

Claimant: Appellant (2)

Section 96.5-1-j – Temporary Employment
871 IAC 24.26(19) – Temporary Employment
Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

Jacob B. Myers (claimant) appealed a representative's October 8, 2010 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment his from Jacobson Staffing Company, L.C. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 1, 2010. The claimant failed to respond to the hearing notice and provide a telephone number at which he could be reached for the hearing and did not participate in the hearing. Kelly Bernady appeared on the employer's behalf. Based on the evidence, the arguments of the employer, 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?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant began taking assignments with the employer on January 4, 2010. He worked as needed as a general laborer at the employer's Ames, Iowa warehouse business client. His final assignment began on June 15, 2010. His last day on the assignment was July 9, 2010. The assignment ended because the employer's business client determined to end it because there was no further work available. The employer informed the claimant that the work had ended and that it would advise him when further work became available.

There was no work available and the employer did not have contact with the claimant until September 7, when it called him to indicate that the business client did again have some work available to begin the next day. The claimant then advised the employer that he was in the process of moving out of the area and could not accept the assignment.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not eligible for unemployment insurance benefits if he quit the employment without good cause attributable to the employer or was discharged for work-connected misconduct. A voluntary quit is a termination of employment initiated by the employee – where the employee has instigated the action which directly results in the separation; a discharge is a termination of employment initiated by the employer – where the employer has instigated the action which directly results in the separation from employment. 871 IAC 24.1(113)(b), (c). The reason cited by the employer or its business client for ending the claimant's assignment as of October 8 was the completion of the work, with no other work available. Where a claimant is hired for a specific period of time and completes the contract of hire by working until this specific period of time has lapsed, the separation is treated as a voluntary quit with good cause attributable to the employer, and does not result in a disqualification to the claimant. 871 IAC 24.26(19).

The claimant is not required to remain in regular periodic contact with the employer or be constantly and indefinitely able and available for further work with the employer in order for purposes of unemployment insurance benefit eligibility. The separation itself occurred when the temporary assignment was completed. A subsequent refusal of an offer of a new assignment or a recall to work would be a separate potentially disqualifying issue. 871 IAC 24.26(19). The administrative law judge notes that moving out of an area is generally good cause for refusing an offer of work or recall to work. 871 IAC 24.24(7). Benefits are allowed, if the claimant is otherwise eligible.

DECISION:

The representative's October 8, 2010 decision (reference 02) is reversed. The claimant quit for good cause attributable to the employer because the work to which he had been assigned had been completed, and no other work was immediately available. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs