

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ARMANDO RODRIGUEZ
Claimant

APPEAL NO. 07A-UI-08053-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

R J PERSONNEL INC – TEMP ASSOCIATES
Employer

**OC: 01/28/07 R: 12
Claimant: Respondent (2)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Temp Associates filed an appeal from a representative's decision dated August 17, 2007, reference 01, which allowed benefits to Armando Rodriguez and denied the employer relief from charges. After due notice was issued, a hearing was held by telephone on September 6, 2007. Mr. Rodriguez participated personally. The employer participated by Mike Thomas, Account Manager. Ike Rocha participated as the interpreter.

ISSUE:

At issue in this matter is whether Temp Associates can be relieved of charges based on wage credits transferred to the State of Texas.

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: Mr. Rodriguez worked for Temp Associates from August 17, 2005 until February 3, 2006. He was assigned to work full time for HON-Geneva. He left the assignment before it was completed. He initially left because of his aunt's death in Texas. However, he decided to remain in Texas. Continued work would have been available on the assignment if Mr. Rodriguez had not quit.

REASONING AND CONCLUSIONS OF LAW:

Wage credits Mr. Rodriguez earned with Temp Associates have been transferred to the State of Texas to combine with wages he earned there. Temp Associates is only entitled to a relief from charges on its Iowa account if Mr. Rodriguez's separation was a disqualifying event under Iowa law. He was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). It appears undisputed that Mr. Rodriguez did not complete his assignment with HON-Geneva as he left while work continued to be available. Therefore, his separation is considered a voluntary quit.

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). Mr. Rodriguez quit and moved to Texas. An individual who leaves employment to move to a different locality is presumed to have quit employment for no good cause attributable to the employer. 871 IAC 24.25(2). The same is true if an individual leaves employment due to serious family needs or responsibilities. 871 IAC 24.25(23).

For the reasons stated herein, the administrative law judge concludes that Mr. Rodriguez's separation was not for good cause attributable to the employer. Therefore, it was a disqualifying event. As such, the employer is entitled to a relief from benefit charges. This decision does not address Mr. Rodriguez's entitlement to benefits as that determination is up to the State of Texas. He will be notified by the State of Texas as to what impact, if any, the decision herein has on his entitlement to benefits.

DECISION:

The representative's decision dated August 17, 2007, reference 01, is hereby reversed. Temp Associates is relieved of charges on its Iowa account for wage credits transferred to Texas as Mr. Rodriguez's separation was a disqualifying event under Iowa law. Mr. Rodriguez will be notified by Texas concerning his entitlement to benefits.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css