

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JUAN F RUIZ
Claimant

APPEAL NO: 08A-UI-00409-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADECCO
Employer

**OC: 12/09/07 R: 01
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Juan F. Ruiz (claimant) appealed a representative's January 14, 2008 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of ADECCO (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 28, 2008. The claimant participated in the hearing. David Williams, a representative with TALX, appeared on the employer's behalf. Chris Beyne, a client manager representative, testified on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant applied to work for the employer's clients in October 2007. The employer assigned the claimant to a job at Gateway. The claimant started this job assignment on October 22, 2007. Initially, the job was a four-week job. At the end of the four weeks, Gateway asked the employer if the claimant could continue working because Gateway liked the claimant's work and had more work to do. The claimant worked at Gateway until December 7, 2007. The claimant was scheduled to work again on December 10. The claimant did not call or report to work as scheduled on December 10, 11, or 12. On December 12, the claimant went to the employer's office to pick up his paycheck. The claimant talked to Beyne on December 12 and indicated he would not be back at the job assignment because he was going to travel with his family. The claimant did not finish the job assignment.

The employer heard nothing from the claimant until December 20, 2007. On December 20, the claimant reported to work at Gateway. Personnel at Gateway allowed the claimant to work

because there was work to do. After working one day, the claimant learned Gateway no longer needed him. The claimant did not know that Gateway no longer needed him because the employer considered him to have quit his job after December 7. If the claimant would have completed the job assignment, he could have worked at Gateway until January 18, 2008.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code sections 96.5-1, 2-a. The claimant initiated his employment separation when he did not report to work or contact the employer on December 10, 11, and 12 and told the employer he was no longer working at the Gateway assignment because he was going to travel with his family. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive unemployment insurance benefits. Iowa Code section 96.6-2.

The law presumes a claimant voluntarily quits employment without good cause when he leaves to take a vacation. 871 IAC 24.25(25). On December 12, the claimant told Beyne he was not returning to work because he was going to travel with his family. The fact that the claimant's plans changed and he hoped to go back to work does not change the fact that by the claimant's actions and verbal comments, he quit on December 12, 2007. The claimant did not establish that he quit for reasons that qualify him to receive unemployment insurance benefits. As of December 9, 2007, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's January 14, 2008 decision (reference 01) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of December 9, 2007. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs