

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFREY A HOLDGRAFER
Claimant

APPEAL NO: 13A-UI-03575-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

TONY'S TIRE SERVICE INC
Employer

**OC: 01/13/13
Claimant: Respondent (1)**

Section 96.5-1– Voluntary Quit
871 IAC 24.26(19) – Temporary Employment

STATEMENT OF THE CASE:

The employer appealed a department decision dated March 15, 2013, reference 05, that held claimant completed his job on January 31, 2013, and benefits are allowed. A hearing was held on April 26, 2013. The claimant did not participate. Tony Nessa, President, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant worked less than a one-day job for the employer as a laborer on January 31, 2013. He completed the job and was not offered further work at that time.

Claimant failed to respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

The administrative law judge concludes claimant voluntarily quit with good cause when he completed his temporary job assignment on January 31, 2013.

Since claimant finished the one-day job and was not offered further work, there is no employment separation disqualification imposed. The employer tax liability is limited by the amount of any taxable wages on this claim.

DECISION:

The department decision dated March 15, 2013, reference 05, is affirmed. The claimant voluntarily quit with good cause attributable to the employer on January 31, 2013. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css