

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PANSY CLAYTON**

Claimant

**APPEAL NO: 11A-UI-04906-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**USA STAFFING INC/LABOR WORLD**

Employer

**OC: 02/20/11**

**Claimant: Appellant (2/R)**

871 IAC 24.26(19) - Temporary Work Assignments

**STATEMENT OF THE CASE:**

Pansy Clayton (claimant) appealed an unemployment insurance decision dated April 4, 2011, reference 02, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with USA Staffing/Labor World (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 10, 2011. The claimant participated in the hearing. The employer did not comply with the hearing notice instructions and did not call in to provide a telephone number at which a representative could be contacted, and therefore, did not participate. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant's voluntary separation from employment disqualifies her from receiving unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired as a temporary general laborer at some point in 2010. She cannot remember the dates of employment and the employer did not participate. The claimant worked a three-day assignment as a caterer.

Although the claimant only worked for this employer for three days, it does not appear that she reported any wages from this employer on her Workforce records.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits.

Iowa Code § 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 § 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 § 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.

There was minimal evidence presented in this hearing. The claimant could not remember her dates of employment and the employer did not participate. The evidence that was provided demonstrates the claimant completed her assignments as a caterer. The completion of a temporary employment assignment is deemed to be a separation other than a voluntary quit. The claimant's separation from employment was with good cause attributable to the employer and benefits are allowed.

An issue as to whether the claimant reported income from this employer arose as a result of the hearing. This issue was not included in the notice of hearing for this case, and the case will be remanded to Quality Control for an investigation and determination as to whether the claimant had earned but unreported wages. 871 IAC 26.14(5).

#### **DECISION:**

The unemployment insurance decision dated April 4, 2011, reference 02, is reversed. The claimant voluntarily quit her employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits provided she is otherwise eligible. This

case is remanded to Quality Control for an investigation and determination as to whether the claimant had earned but unreported wages.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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