

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**REECE M BOWEN**

Claimant

**APPEAL NO. 12A-UI-12570-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LABOR READY MIDWEST INC**

Employer

**OC: 11/06/11**

**Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

Section 96.5-1-j – Separation from Temporary Employment

871 IAC 24.26(19) – Spot Labor and Casual Labor Work

**STATEMENT OF THE CASE:**

The employer filed an appeal from a decision of a representative dated October 9, 2012, reference 04, which held that the claimant was eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on November 19, 2012. The claimant participated personally. The employer participated by Matt Ricketts, Branch Manager. The record consists of the testimony of Reece Bowen; the testimony of Matt Ricketts; and Employer's Exhibits 1-9.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer provides staffing for temporary labor. The claimant began accepting assignments from the employer on March 24, 2011. In order to receive an assignment, the claimant was required to sign a sign in sheet each day that he wanted work. He would then be sent "anywhere to everywhere" based on the employer's needs. A claimant could have a completely different job every single day he signed up for work. The claimant's last assignment ended on September 7, 2012. He worked two hours that day transporting workers.

**REASONING AND CONCLUSIONS OF LAW:**

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 claimant is eligible for benefits after September 7, 2012, provided he meets all other eligibility criteria. The administrative law judge concludes that the claimant was employed as a spot laborer. The employer testified that individuals were required to report each day and sign a sign in sheet in order to obtain a work assignment. An individual could be assigned to a new and different job every single day. The claimant's contract of hire ended each day when the job was completed and a new contract of hire started each day the claimant reported for work. Under these circumstances, not reporting for a further assignment after September 7, 2012, is not considered a voluntary quit.

The administrative law judge understands that the claimant contends he did report for work after September 7, 2012. Given the ruling in this case, that the claimant was a spot laborer, it is not necessary to resolve that factual dispute. Benefits are allowed if the claimant is otherwise eligible.

**DECISION:**

The decision of the representative dated October 9, 2012, reference 04, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/css