

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VINCENT B PARSLOW**  
Claimant

**APPEAL NO: 06A-UI-09378-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DES MOINES COLD STORAGE CO INC**  
Employer

**OC: 08/27/06 R: 02**  
**Claimant: Respondent (1/R)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.26(19) – Casual Day Laborer

**STATEMENT OF THE CASE:**

Des Moines Cold Storage Company, Inc. (employer) appealed a representative's September 20, 2006 decision (reference 01) that concluded Parslow (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's employment separation was the result of nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 4, 2006. The claimant participated in the hearing. Sandy Trimmell, the controller, appeared 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 this employment for reasons that do not qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

**FINDINGS OF FACT:**

Most recently the claimant worked for the employer, as a casual day laborer in mid-June and in early July. As a casual day laborer, the claimant goes to the employer's business, along with other people, to find out if the employer will hire him for a day. The employer then hires as many people to work that day as the employer needs. The employer pays cash at the end of the day. There were days the claimant went to the employer's business to work, but the employer did not select him to work.

The claimant completed a day's work on July 10, 2006. He reported to the employer's for the next five days, but the employer did not hire him to work. After the claimant realized the employer was not hiring as many casual day laborers, he stopped going to the employer's business.

The claimant established a claim for unemployment insurance benefits during the week of August 27, 2006. The maximum amount that can be charged to the employer's account during the claimant's current benefit year is \$8.00.

**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. When a claimant is employed on a temporary basis for casual labor work, he fulfills the contract of hire when each job is completed. For unemployment insurance purposes an election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. 871 IAC 24.26(19).

The employer hires the claimant and other casual day laborers for one-day jobs. Each day the employer hires the person to work must be considered a separate period of employment. The facts of this case are governed by 871 IAC 24.26(19). Therefore, since the claimant completed each day of work the employer hired him to do in June and July, his failure to return to the employer after the employer does not hire him for five days does not constitute a voluntarily leaving of employment. As of August 27, 2006, the claimant is qualified to receive unemployment insurance benefits.

The record indicates the claimant filed claims in weeks in which he earned wages or may have earned wages from the employer in June and possibly July. The issue of whether the claimant properly reported wages he earned from the employer in June and July is remanded to the Claims Section to investigate and issue a written decision.

**DECISION:**

The representative's September 20, 2006 decision (reference 01) is affirmed. The claimant completed each job the employer hired him to do. For unemployment insurance purposes, the claimant did not voluntarily quit his employment. As of August 27, 2006, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant. An issue of whether the claimant properly reported wages he earned from the employer in June and July is remanded to the Claims Section to investigate and issue a written decision.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs