

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JUAN J DAVENPORT**  
Claimant

**APPEAL NO: 08A-UI-00616-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 09/16/07 R: 03**  
**Claimant: Appellant (2)**

Section 96.5-2-a - Discharge

**STATEMENT OF THE CASE:**

Juan J. Davenport (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 Advance Services, Inc. (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 February 4, 2008. The claimant participated in the hearing. Prior to the hearing, the employer's representative, TALX, informed the Appeals Section that the employer elected not to participate in the hearing. Based on the evidence, the arguments of the claimant, 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 registered to work for the employer's clients. The employer is a temporary staffing agency. The employer assigned the claimant to a job that the claimant started in early August 2007. The claimant finished this job assignment on September 7, 2007. After the claimant finished this job, the employer offered him a job as a forklift driver in a town that was 20 miles from the claimant's residence. The claimant could not accept this job because he did not have a driver's license or a vehicle to get to the job site. The job the claimant had been working at in August was in town. When the employer did not offer the claimant another job, the claimant established a claim for unemployment insurance benefits during the week of September 16, 2007.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code sections 96.5-1, 2-a. The facts establish the claimant finished a job assignment on September 7, 2007. Although the employer offered the claimant another job, the claimant declined the job because it was not suitable for him.

The claimant did not quit and the employer did not discharge him for work-connected misconduct. Instead, the claimant completed the job the employer assigned him to do. The claimant's employment with the employer ended for reasons that do not disqualify the claimant from receiving unemployment insurance benefits.

The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

**DECISION:**

The representative's January 14, 2008 decision (reference 01) is reversed. The claimant did not voluntarily quit his employment and he did not commit work-connected misconduct. Instead, after the claimant completed a job assignment, the employer did not have another suitable job to assign him. As of September 16, 2007, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs