

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

REGINA R KAISER
Claimant

APPEAL NO. 08A-UI-08913-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

INTELISTAF HEALTHCARE INC
Employer

**OC: 07/06/08 R: 02
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit
Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 26, 2008, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 20, 2008. Claimant participated. Employer participated by Sandy Fitch, Tax Hearing Representative with witnesses Lisa Han, Branch Manager, Des Moines and Laura Creamer, Branch Manger. Exhibit A was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer. The second issue in this matter is whether claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on May 25, 2008. Claimant completed her last temporary assignment with this employer. Claimant then took a full time job with another company. Claimant lost the subsequent job. Claimant took ill and is not able for work effective August 3, 2008.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she completed her last temporary assignment May 21, 2008.

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.

Claimant is not able and available for work effective August 3, 2008 until such time as claimant obtains a full release to return to work.

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

DECISION:

The decision of the representative dated September 26, 2008, reference 02, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible. Benefits shall be withheld effective August 3, 2008 until claimant obtains a full release to return to work.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs