

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRACY R MACK
Claimant

APPEAL NO. 11A-UI-15877-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PREMIER RESOURCES INC
Employer

**OC: 11/06/11
Claimant: Appellant (2)**

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated December 1, 2011, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on January 13, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing. Tony Kolarik participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked on one assignment at Embassy Suites as a housekeeper for about 3.5 hours on June 22. Another housekeeper was assigned to train her. After lunch, the housekeeper training the claimant told her that the work for the day was pretty much done, and she could either stay or go home at that point. The claimant decided that if there wasn't much work left that she would go home. When they spoke to a supervisor, the housekeeper informed the supervisor that the claimant was going home. The supervisor told the claimant that was fine, so she left. Someone with Embassy Suites later told the employer that the claimant had walked off the job.

The next day the claimant contacted the employer and was told that there was no work for her. She continued to call in and was repeatedly told there was no work for her.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a.

Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof.

The evidence establishes the claimant received permission to leave on June 22 and did not walk off the job. She contacted the employer the next day, but there was no work available for her. If the employer's failure to provide additional assignment to the claimant was a belief that she had walked off the job, that belief was inaccurate and no misconduct occurred.

The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible. Charges to the employer's account would total \$9.33 based on the wages paid to the claimant for the 3.5 hours of work.

DECISION:

The unemployment insurance decision dated December 1, 2011, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs