

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARGARITA BARRERA
Claimant

APPEAL NO. 11A-UI-05833-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 03/20/11
Claimant: Respondent (4)

Section 96.5(1)g – Voluntary Quit/Requalification

STATEMENT OF THE CASE:

Advance Services, Inc. filed an appeal from a representative's decision dated April 22, 2011, reference 01, which held that no disqualification would be imposed regarding Margarita Barrera's separation from employment. After due notice was issued, a hearing was held by telephone on May 26, 2011. The employer participated by Holly Carter, Unemployment Specialist. Ms. Barrera did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Ms. Barrera was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Barrera began working through Advance Services, Inc. on August 30, 2010. She was assigned to work full time for Syngenta. She was told the assignment would last through harvest but was not given a specific ending date. Her last day of work was September 20. She did not return to work after that date and did not notify the employer of her intentions. She had not been told the assignment was over and no ending date had been announced as of September 20. Work continued for other workers until October 1.

Ms. Barrera has had other employment since leaving Advance Services, Inc. She has earned over ten times her weekly job insurance benefit in insured wages since the separation.

REASONING AND CONCLUSIONS OF LAW:

Ms. Barrera initiated her separation when she stopped reporting for available work. As such, her separation was a voluntary quit. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Barrera's assignment did not have a specific ending date and she was not told the assignment was over. Although a seasonal layoff was anticipated, an ending date had not been announced when she stopped reporting for work.

Under such circumstances, the separation is presumed to be without good cause attributable to the employer. See 871 IAC 24.25(29). Therefore, Ms. Barrera's separation was a disqualifying event.

Ms. Barrera has requalified for benefits after her disqualifying separation from Advance Services, Inc. She has earned in excess of ten times her weekly benefit amount in insured wages. Therefore, benefits are allowed but shall not be charged to Advance Services, Inc.

DECISION:

The representative's decision dated April 22, 2011, reference 01, is hereby modified. Ms. Barrera quit her employment without good cause attributable to the employer but has subsequently requalified for benefits. Benefits are allowed, provided she is otherwise eligible, but shall not be charged to Advance Services, Inc.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css