

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSH L ENGELBRECHT
Claimant

APPEAL NO. 09A-UI-04934-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES – MARSHALLTOWN
Employer

**Original Claim: 02/22/09
Claimant: Respondent (5)**

Section 96.5-2-a – Discharge
Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Temp Associates – Marshalltown filed a timely appeal from an unemployment insurance decision dated March 24, 2009, reference 01, that allowed benefits to Josh L. Engelbrecht. After due notice was issued, a telephone hearing was held April 21, 2009, with Grinnell Manager Nancy Mullaney participating for the employer. Exhibit One was admitted into evidence. The claimant did not provide a telephone number at which he could be contacted.

ISSUE:

Has a disqualifying separation from employment occurred?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Josh L. Engelbrecht has been employed by Temp Associates since November 29, 2006. He last completed an assignment on February 4, 2009. He has not been in pay status since then. On or about February 25, 2009, Mr. Engelbrecht failed a pre-employment drug screen and so was not offered an assignment with one of the employer's clients.

REASONING AND CONCLUSIONS OF LAW:

The employment security law disqualifies an individual for unemployment insurance benefits if the individual has voluntarily left employment without good cause attributable to the employer or has been discharged for misconduct in connection with the employment. See Iowa Code sections 96.5-1 and 96.5-2-a, respectively. The evidence in this record establishes that Mr. Engelbrecht became unemployed for unemployment insurance purposes on February 4, 2009, when he completed his most recent assignment. He was not in pay status when he failed a pre-employment drug screen. While this failure prevented Mr. Engelbrecht from being offered another assignment, it did not cause his unemployment. For unemployment insurance purposes, failure of a pre-employment drug screen is a non-event.

DECISION:

The unemployment insurance decision dated March 24, 2009, reference 01, is modified. The claimant did not become unemployed on February 25, 2009, as a result of failing a pre-employment drug screen. No disqualification may be imposed.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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