

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANTHONY A HAMMEL
Claimant

APPEAL NO: 09A-UI-03355-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING
Employer

OC: 01/18/09
Claimant: Respondent (2/R)

Section 96 .5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Sedona Staffing (employer) appealed a representative's February 24, 2009 decision (reference 02) that concluded Anthony A. Hammel (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the claimant's employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 26, 2009. The claimant participated in the hearing. Chad Baker and Nikki Kiefer appeared on the employer's behalf. Based on the evidence, the arguments of the parties, 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 benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The employer is a recruiting firm and assigns individuals to short and long-term job assignments. The claimant registered to work for the employer on December 26, 2006. The employer offered the claimant a temp-to-hire job at Edward's Stonecast & Masonry. The claimant started this job on March 17, 2008.

The claimant worked at this job on March 17 and 18. The claimant did not like the job and talked to a supervisor at Edward's Stonecast & Masonry on March 18. The claimant asked if he could be assigned to another area because he did not like the work he was doing. After the claimant learned he would not be assigned to another area, he said he would only work until the end of the week. The claimant did not notify the employer that he did not like the job at Edward's Stonecast and Masonry and planned to quit.

On March 19, the claimant contacted the employer and Edward's Stonecast & Masonry to report he was unable to work that day because of a personal situation. The employer understood the claimant would call later that day to let the employer know when he would be able to return to work. Edward's Stonecast & Masonry understood the claimant could not work that day, but planned to hold the job for the claimant if they knew how long the claimant was unable to work.

The employer left several messages for the claimant and ask him to contact the employer. The first time the employer noted the claimant contacted the employer again was June 18, 2008.

The claimant established a claim for benefits during the week of January 18, 2009. He has filed for and received benefits since January 18, 2009.

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 §§ 96.5-1, 2-a. The evidence establishes the claimant accepted a temp-to-hire job at Edward's Stonecast & Masonry. After the claimant worked two days at this job, he informed the employer's client he did not like the job and would leave at the end of the week. The claimant did not notify the employer about his decision to end this assignment at the end of the week. Instead, the claimant contacted the employer on March 19, 2008, to report he was unable to work that day because of a personal situation. Although the employer and client intended to hold the job for the claimant, the claimant did not contact the employer again until June 18, 2008. Under these facts, the claimant quit a long-term job assignment. He told the client he would not continue working at the job, but he also failed to keep the employer advised of when he could return to work after March 19, 2008. For unemployment insurance purposes, the claimant voluntarily quit his employment. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6-2.

Although the claimant asserted he talked to one of the employer's employees by March 21, 2008, the evidence does not support this assertion. Instead, the facts establish the claimant did not contact the employer again until June 18, 2008. If the claimant had contacted the employer by March 21, the employer would have known the claimant did not like the job at Edward's Stonecast & Masonry and had already quit that assignment. The employer did not know the claimant quit the assignment because the claimant did not contact the employer again until mid-June 18, 2008.

The claimant established personal reasons for quitting a long-term job, but his reasons for quitting do not qualify him to receive benefits. Therefore, as of March 19, 2008, the claimant is not qualified to receive benefits.

(The record indicates the claimant has not requalified by earning ten times his weekly benefits between March 19, 2008, and January 19, 2009.) Therefore, the issue of whether the claimant has been overpaid or is eligible for waiver of any overpayment is remanded to the Claims Section to determine.

DECISION:

The representative's February 24, 2009 decision (reference 02) is reversed. The claimant voluntarily quit a long-term assignment on March 19, 2008. The claimant quit for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of March 19, 2008. This disqualification continues until he has been paid

ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged. The issue of overpayment or whether the claimant is eligible for waiver of any overpayment is remanded to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css