

a causal laborer on a day-to-day basis. The employer did not notify the claimant of any particular requirement to report for more work within a certain amount of time after the end of each assignment. Mr. Osborne continued to work for the employer on a day-to-day basis after August 13, 2005, the date on which Labor Ready Midwest indicated there had been a separation from employment.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is not.

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.

871 IAC 24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

The record indicates the claimant was not employed in any other capacity except as a causal laborer on a day-to-day basis or as a spot laborer. There is nothing to indicate the employer has any specific policy, which requires employees to contact the agency within a certain period of time to ask for another assignment. He continues to work for Labor Ready Midwest in this same capacity and disqualification may not be imposed.

DECISION:

The representative's decision of September 6, 2005, reference 03, is reversed. Byron Osborne is qualified for benefits provided he is otherwise eligible.

bgh/kjf