

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SEAN M MUMMELTHIE**

Claimant

**APPEAL NO. 11A-UI-03659-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LABOR READY MIDWEST**

Employer

**OC: 01-16-11**

**Claimant: Respondent (1)**

Iowa Code § 96.5(1) – Voluntary Leaving  
871 IAC 24.26(19) – Voluntary Leaving – Spot Jobs/Casual Labor

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the March 9, 2011, reference 02, decision that allowed benefits. After due notice was issued, a hearing was held on April 14, 2011. The claimant did not participate. The employer did participate through Rebecca Redfearn, Customer Service Representative. Employer's Exhibit One was entered and received into the record.

**ISSUE:**

Did the claimant voluntarily quit his employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was last assigned to work at Crystal Distribution Services as a general laborer part time beginning September 1, 2010 through September 1, 2010 as that was the only date he worked for this employer. The claimant was hired to perform casual or spot labor. He was paid on a daily basis and was required to report to the employer on a daily basis if he wanted to continue working. The claimant began and completed each assignment on a daily basis.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's separation was not the result of a disqualifying reason.

Iowa Code § 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 § 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 § 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.

Inasmuch as the claimant completed the contract of hire with the employer as contemplated, no disqualification is imposed. The claimant was hired to work only one day and did complete that job. Thus, benefits are allowed, provided the claimant is otherwise eligible.

**DECISION:**

The March 9, 2011 (reference 02), decision is affirmed. The claimant's separation from employment with Labor Ready Midwest was for no disqualifying reason. Benefits are allowed, provided the claimant is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/pjs