

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEREK B DELGER

Claimant

APPEAL NO. 10A-UI-01418-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC

Employer

Original Claim: 12/06/09

Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Derek Delger filed an appeal from a representative's decision dated January 21, 2010, reference 01, which denied benefits based on his separation from Advance Services, Inc. (ASI). After due notice was issued, a hearing was held by telephone on March 8, 2010. Mr. Delger participated personally. The employer participated by Scott McKenzie, Unemployment Specialist. The hearing record was left open to allow the parties to submit additional evidence. The evidence has been received and the record is now closed.

ISSUE:

At issue in this matter is whether Mr. Delger 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: Mr. Delger began working through ASI, a temporary placement firm, on May 28, 2009. On October 8, he was placed on an indefinite assignment with Burke Marketing. He last worked on the assignment on October 12. Burke Marketing notified ASI that he had stopped reporting to work without notice. Mr. Delger had to go out of town for a family emergency but did not notify either ASI or Burke Marketing that he intended to miss time from work. The employer has not had contact with Mr. Delger at any point since October 12, 2009. Continued work on the assignment would have been available if he had continued reporting for work or had notified the employer of his intentions.

REASONING AND CONCLUSIONS OF LAW:

Mr. Delger was hired for placement in temporary work assignments. An individual so employed must complete his last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19), (22). Mr. Delger did not complete his assignment with Burke Marketing. He had not been told the assignment was over when he stopped reporting for work. Because he did not complete the assignment, his separation of October 12, 2009 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). The term "good cause attributable to the employer" generally refers to some matter over which the employer has control. It appears that Mr. Delger left his assignment because of some family matter. An individual who leaves employment because of serious family needs or responsibilities is presumed to have left employment for no good cause attributable to the employer. 871 IAC 24.25(23).

Even if Mr. Delger left his assignment for a compelling personal reason, he did not re-offer his services to ASI once the personal reason no longer existed. Therefore, he does not qualify for benefits under Iowa Code section 96.5(1)f. Mr. Delger was given the opportunity to provide telephone records to confirm his contacts with the employer. However, the records he offered do not go beyond October 2, 2009.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that Mr. Delger quit his employment with ASI for no good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated January 21, 2010, reference 01, is hereby affirmed. Mr. Delger quit his employment for no good cause attributable to the employer and does not qualify for benefits under any exception created by law. Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw