

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ARIC D HARGER**

Claimant

**APPEAL NO. 13A-UI-06069-VS**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REMEDY INTELLIGENT STAFFING INC**

Employer

**OC: 01/06/13**

**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated May 13, 2013, reference 01, which held that the claimant was not eligible for unemployment insurance benefits. After due notice, a hearing was held in Cedar Rapids, Iowa, on September 9, 2013. The claimant participated personally. Emily Dolan was a witness for the claimant. The employer participated by Julie Coughlin, Branch Manager. The record consists of the testimony of Julie Coughlin; the testimony of Aric Harger; the testimony of Emily Dolan; and Employer's Exhibit 1. Official notice is taken of agency records.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a temporary staffing agency. The claimant first began accepting assignments from the employer on April 9, 2009. The claimant is still employed by the employer. He primarily works at the General Mills plant. The claimant has applied for benefits for two weeks: the week ending April 27, 2013, and the week ending July 13, 2013. He was disqualified from receiving benefits because the representative concluded that he had voluntarily quit his employment as of April 22, 2013, because he failed to report to work for three day in a row and did not notify the employer. The claimant called every day for work. He either checked with the employer or with James, the employer's on-site supervisor.

**REASONING AND CONCLUSIONS OF LAW:**

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 24.25(4) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

The claimant is eligible for unemployment insurance benefits. There is no evidence in this record that the claimant voluntarily quit his employment. The claimant worked primarily at the General Mills plant and was required to check with the employer on a daily basis to see if work was available. The claimant credibly testified that he did call every day to check on work even though the employer's records do not reflect that fact. The claimant is still employed by the employer and works at General Mills. This is persuasive evidence that the claimant did not quit his job back on April 22, 2013. Benefits are allowed if the claimant is otherwise eligible.

**DECISION:**

The decision of the representative dated May 13, 2013, reference 01, is reversed. Unemployment insurance benefits are allowed, if the claimant is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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