

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

WILLIAM P THOMAS
1906 BROADWAY #25
IOWA CITY IA 52240

WESTSTAFF USA INC
C/o EMPLOYMENT TAX CONSULTING
440 W COLORADO ST #204
GLENDALE CA 91204

Appeal Number: 04A-UI-04409-DWT
OC 03/14/04 R 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

William P. Thomas (claimant) appealed a representative's April 5, 2004 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Weststaff USA, Inc. (employer) would not be charged because the claimant had voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 11, 2004. The claimant initially participated in the hearing. While he was testifying, the claimant hung up his phone and did not contact the Appeals Section again. Amie Lang, the placement officer, 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 or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant registered to work for the employer in May 2003. The claimant was assigned to work a job in September. He called in sick and did not contact the employer again until March 2004. In March, the employer told the claimant's wife about a job assignment the week of March 15 at General Mills. Both the claimant and his wife accepted the General Mills' assignment and worked there on March 16 and 17. During the week of March 15, the employer talked to the claimant's wife about working at General Mills the week of March 22. The claimant's wife accepted the job assignment on the claimant's behalf, but declined the job for herself because she had another job the week of March 22.

The employer expected the claimant to work at General Mills the week of March 22. The claimant did not report to work or notify the employer that he was unable to work this week. The claimant did not report to work because he did not like working at General Mills. He believed General Mills' employees discriminated against him. The claimant did not contact the employer because he did not believe it was necessary to contact the employer for another job assignment. The claimant did not intend to file his unemployment insurance claim against the employer. The first time the claimant contacted the employer about another job since mid-March was May 10, 2004.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits his employment without good cause an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. The claimant voluntarily quit the week of March 22 when he failed to report to work at General Mills or notify the employer about the problems he experienced at General Mills and needed another job assignment because he did not like working at General Mills. The claimant may have had compelling personal reasons for quitting or abandoning the General Mills' job assignment, but he did not establish good cause for quitting. Therefore, as of March 21, 2004, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's April 5, 2004 decision (reference 02) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of March 21, 2004. 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.

dlw/kjf