

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CLAY DUVE
Claimant

L A LEASING INC
Employer

APPEAL NO. 14A-UI-10645-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/16/14
Claimant: Respondent (4-R)

Section 96.5-1 - Voluntary Quit
871 IAC 24.27 - Voluntary Quit of Part-time Job

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated October 2, 2014, reference 01, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on October 31, 2014. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Chad Baker participated in the hearing on behalf of the employer with a witness, Dennis Lesser. Exhibit One was admitted into evidence. Official notice is taken of the Agency's records regarding the claimant's unemployment insurance claim, which show his base period wages as set forth in the Findings of Fact. If a party objects to taking official notice of these facts, the objection must be submitted in writing no later than seven days after the date of this decision.

ISSUE:

Did the claimant voluntarily quit part-time employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. When the claimant was hired, he was given a statement to read and sign that said he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant worked part-time, on-call for the employer as a laborer assigned to Nordstrom's from December 2, 2013, to December 18, 2013.

The claimant completed his last assignment but failed to contact the employer afterward to request another assignment. As a result, he voluntarily quit his part-time job for unknown reasons.

The claimant filed a new claim for unemployment insurance benefits with an effective date of February 16, 2014. His base period wages were as set forth below. His weekly benefit amount of \$235 was based on his wages in the 2nd Quarter 2013.

Quarter	Wages	Employer
2nd Quarter 2013	\$5,406	Ruefer Mechanical
3rd Quarter 2013	\$2,173	Ruefer Mechanical
3rd Quarter 2013	\$994.50	L A Leasing

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer, which is grounds for disqualification under Iowa Code § 96.5-1. Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements. The claimant voluntarily quit employment without good cause attributable to the employer

The unemployment rules provides that a claimant who voluntarily quits part-time employment without good cause and has not requalified for benefits, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. 871 IAC 24.27. Instead, the benefits payments will be made based on the wages from the other employers, and the part-time employer's account will not be charged for benefits paid.

The claimant voluntarily quit employment without good cause attributable to the employer. The job, however, was part time, and the claimant has sufficient wages from other employers to qualify to receive unemployment insurance benefits. Pursuant to the rule, the employer's account will not be subject to charge for benefits paid to the claimant. The matter of redetermining the maximum benefit amount is remanded to the Agency.

DECISION:

The unemployment insurance decision dated October 2, 2014, reference 01, is modified in favor of the employer. The claimant is qualified to receive unemployment insurance benefits, provided he is otherwise eligible. The employer's account will be exempt from charge for benefits paid to the claimant. The matter of redetermining the maximum benefit amount is remanded to the Agency.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs