

**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**

**DAVID E HAFERBECKER
1949½ JACKSON ST
DUBUQUE IA 52001-3646**

**CAMBRIDGE TEMPOSITIONS INC
610 – 32ND AVE SW
CEDAR RAPIDS IA 52404**

**Appeal Number: 06A-UI-06828-CT
OC: 06/11/06 R: 04
Claimant: Respondent (2)**

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 is 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)j – Temporary Employment

STATEMENT OF THE CASE:

Cambridge Tempositions, Inc. filed an appeal from a representative's decision dated June 29, 2006, reference 01, which held that no disqualification would be imposed regarding David Haferbecker's separation from employment. After due notice was issued, a hearing was held by telephone on July 19, 2006. The employer participated by Janet O'Brien, Account Manager. Mr. Haferbecker did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Haferbecker was employed by Cambridge

Tempositions, Inc., a temporary placement firm, beginning in March of 2006. On April 26, he began a long-term assignment with ATP but was released from the assignment after one day. Mr. Haferbecker had received written notification that he had to seek reassignment within three working days of the end of an assignment but did not do so.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Haferbecker was separated from employment for any disqualifying reason. He was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). The administrative law judge concludes that Mr. Haferbecker completed the assignment as he was involuntarily removed from the assignment. The employer has given conflicting reasons for his separation from ATP. It was initially indicated that he was removed because of his attendance. At the hearing, the employer indicated he was removed due to the suspicion that he was at work under the influence of alcohol.

In addition to completing the last assignment, an individual must also seek reassignment, where required, in order to avoid a voluntary quit disqualification. Whatever the reason for Mr. Haferbecker's removal, the fact remains that he did not seek reassignment after his removal. He had received notification of this requirement as provided by Iowa Code section 96.5(1)j. Because he did not seek reassignment, his separation is considered a voluntary quit. An individual who voluntarily quits employment 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 evidence of record does not identify any cause attributable to Cambridge Tempositions, Inc. for Mr. Haferbecker's failure to continue seeking work. It is concluded, therefore, that his separation was not for good cause attributable to the employer. Accordingly, benefits are denied.

No overpayment results from this reversal of the prior allowance, as Mr. Haferbecker has not been paid benefits on his claim filed effective June 11, 2006.

DECISION:

The representative's decision dated June 29, 2006, reference 01, is hereby reversed. Mr. Haferbecker quit his employment for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

cfc/kjw