

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

FRANKLIN T HOMMER
985 HWY 14
KNOXVILLE IA 50138

MANPOWER INC OF DES MOINES
517 – 5TH AVE
DES MOINES IA 50309

Appeal Number: 04A-UI-08868-HT
OC: 07/11/04 R: 02
Claimant: Appellant (4)

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 - Quit

STATEMENT OF THE CASE:

The claimant, Franklin Hommer, filed an appeal from a decision dated August 17, 2004, reference 04. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on September 9, 2004. The claimant participated on his own behalf. The employer, Manpower, participated by Staffing Specialist Sarah Dahn.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Franklin Hommer was employed by Manpower

beginning March 11, 2004. His last assignment was at Herschel Adams from May 5 through May 10, 2004. This was a part-time job while employed full time at Prairie Meadows.

The claimant did not contact Manpower until May 14, 2004, at which time he said he would not be able to accept other assignments for a while because of problems with his back. He was released to return to work by his physician with restrictions on July 22, 2004. At that time he did not contact Manpower and request new assignments within his restrictions and eventually the employer put him on the inactive list effective August 9, 2004.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is not.

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 24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, 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. The individual and the part-time employer which was voluntarily quit shall be notified on the Form 65-5323 or 60-0186, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

The claimant voluntarily quit his part-time employment with Manpower without good cause attributable to the employer. However, under the provisions of the above Administrative Code section, he would still be qualified for benefits, provided he has sufficient earnings in his base period after the removal of wage credits from Manpower.

DECISION:

The representative's decision of August 17, 2004, reference 04, is modified in favor of the appellant. Franklin Hommer is qualified for benefits, provided he is monetarily eligible after the removal of wage credits from Manpower from his base period.

bgh/b