

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHANE M YEAGER**

Claimant

**TEAM STAFFING SOLUTIONS INC**

Employer

**APPEAL NO: 12A-UI-07949-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/10/12**

**Claimant: Respondent (5)**

Section 96.5-1 – Voluntary Quit

871 IAC 24.1(113)a – Lay-off

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated June 29, 2012, reference 01, that held it failed to establish misconduct in the discharge of claimant on April 20, 2012, and benefits are allowed. A telephone hearing was held on July 24, 2012. The claimant did not participate. Sarah Fiedler, Claims Administrator, participated for the employer.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant worked for the employer on assignment at the HON Company as a full-time warehouse person from February 27, 2012 to April 20. He completed the assignment. The employer offered claimant an assignment at CAM II warehouses that he worked one-day on May 1. He called the employer to say he did not like it and requested another assignment. He did not report back to work on this assignment.

Claimant checked in for work with the employer on May 7, and he was allowed to sign-up. The employer had some assignment discussions with claimant on May 9, May 25, June 14, and June 28. He recently accepted a job assignment at the Muscatine Art Center and is due to report for work on July 23.

Claimant failed to respond to the hearing notice.

**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 24.1(113)a provides:

Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. Layoffs. A layoff is a suspension from pay status (lasting or expected to last more than seven consecutive calendar days without pay) initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover, termination of seasonal or temporary employment, inventory-taking, introduction of laborsaving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.

The administrative law judge concludes the claimant did not voluntarily quit work with the employer on April 20, 2012, and benefits are allowed. Although claimant failed to complete a subsequent work assignment there is no disqualifying employment separation.

The claimant completed his work assignment at HON Company on April 20 so there is no disqualification issue as he checked in for further work. Even though he accepted and worked only one-day at a further assignment on May 1, the employer allowed claimant to check in and sign-up for further work on May 7. The claimant did not file for unemployment until June 10 when he was unable to obtain suitable work from the employer though it was trying to find further assignments.

Since claimant did accept a new work assignment with the employer that began July 23, the work lapse period is considered a temporary lay-off rather than a voluntary quit. He did maintain contact with the employer and waited until June 10 to file an unemployment claim that shows his intent to obtain a further work assignment.

**DECISION:**

The department decision dated June 29, 2012, reference 01, is modified. The claimant was on a temporary lay-off beginning April 20, 2012 that is not a disqualifying employment separation. Benefits are allowed, provided the claimant is otherwise eligible.

---

Randy L. Stephenson  
Administrative Law Judge

---

Decision Dated and Mailed

rls/css