

**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**

**DENNIS D PORTER  
316 – 3<sup>RD</sup> AVE W  
OSKALOOSA IA 52577**

**SUPREME STAFFING INC  
PO BOX 149  
OTTUMWA IA 52501-0149**

**Appeal Number: 05A-UI-01702-CT  
OC: 06/20/04 R: 03  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Supreme Staffing, Inc. filed an appeal from a representative's decision dated February 15, 2005, reference 06, which held that no disqualification would be imposed regarding Dennis Porter's separation from employment. After due notice was issued, a hearing was held by telephone on March 4, 2005. The employer participated by Mike Riehl, Office Manager. Mr. Porter did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Porter began working for Supreme Staffing, Inc., a temporary placement firm, on October 14, 2004. On January 24, 2005, he began a one-week assignment working for Ajinomoto. He was released from the assignment after he failed to report for work or contact anyone on January 28. He had to be replaced on the assignment. Mr. Porter called Supreme Staffing at the end of the day on January 28 to report that he had been absent because he was in jail. He has not worked for or been in contact with Supreme Staffing since January 28, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Porter was separated from employment for any disqualifying reason. He was hired for placement in temporary work assignments. An individual so employed must complete his last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Mr. Porter did not complete his last assignment with Ajinomoto. Therefore, his separation is considered a voluntary quit. See 871 IAC 24.26(19). 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).

An individual who loses employment because of incarceration is presumed to have quit for no good cause attributable to the employer. See 871 IAC 24.25(16). The evidence of record does not establish any cause attributable to either Ajinomoto or Supreme Staffing for the quit. For the above reasons, Mr. Porter is disqualified from receiving job insurance benefits effective with the Sunday of the week in which the quit occurred, January 23, 2005. No overpayment results from this reversal of the prior decision as Mr. Porter exhausted benefits on his claim prior to January 23, 2005.

DECISION:

The representative's decision dated February 15, 2005, reference 06 is hereby reversed. Mr. Porter voluntarily quit his employment for no good cause attributable to the employer on January 28, 2005. Benefits are withheld effective January 23, 2005 and until such time as Mr. Porter 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/kjf