

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRASHANDRA A MCDUFFIE

Claimant

APPEAL NO: 10A-UI-02396-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

MEDICAL STAFFING NETWORK INC

Employer

OC: 10/11/09

Claimant: Respondent (1)

Section 96.5-2-a – Discharge

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

The employer appealed a department decision dated February 9, 2010, reference 02, that held the claimant completed her temporary assignment with notification to it on May 12, 2009, and benefits are allowed. A telephone hearing was held on March 30, 2010. The claimant participated. Tom Kuiper, Representative and Cheryl Percy, Branch Manager, participated for the employer.

ISSUE:

Whether the claimant was discharged for misconduct in connection with employment.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant began work for the employer on July 15, 2007 as a certified nursing aide, and last worked for the employer on May 12, 2009. The claimant completed her last assignment and the employer had no further work available for her to perform. The employer placed the claimant on its inactive roll on May 19, 2009, for failing to have a current TB testing, and for failing to maintain current in-service testing. The employer considers the claimant's separation from employment as a voluntary quit.

The claimant worked as a certified nursing aide for Fejervary.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

- a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The administrative law judge concludes the action of the employer placing the claimant on its inactive roll on May 19, 2009, is a discharge for no act of misconduct in connection with employment.

The employer had no work to offer the claimant after she completed her last assignment, and she made herself available for work.

DECISION:

The department decision dated February 9, 2010, reference 02, is affirmed. The claimant was not discharged for misconduct on April 23, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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