

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSHUA A COCHRAN
Claimant

APPEAL NO. 13A-UI-05566-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

OC: 04/07/13
Claimant: Respondent (1)

Section 96.5-1-j – Voluntary Leaving – Temporary Employment

STATEMENT OF THE CASE:

Labor Ready Midwest, Inc. filed a timely appeal from a representative's decision dated May 1, 2013, reference 01, which held claimant eligible to receive unemployment insurance benefits finding that the claimant completed a spot job and did not quit by failing to report for further assignments after September 7, 2012. After due notice, a telephone hearing was held on June 17, 2013. Although notified, the claimant did not participate. The employer participated by Ms. Nicole Petersmith.

ISSUE:

The issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Joshua Cochran completed a two-day "spot job" for Labor Ready Midwest, Inc. on September 7, 2012. The claimant took the spot job on September 5, 2012 and worked as a general laborer at the Incredible Event Company until he fulfilled the contract for the spot job when the job was completed. Mr. Cochran reported back to the Labor Ready Midwest, Inc. facility that night. Although the temporary employer was aware of Mr. Cochran's availability, applicants for "spot jobs" are required to report to the facility daily for eligibility for a spot job each day. Applicants for spot jobs must report in person each day for that day's work and are not allowed to call in to report their availability at the same time that they can for other temporary assignments. The employer's witness testified that the claimant's last assignment for the company began on September 5, 2012 and was completed on September 7, 2012 and there were no assignments thereafter.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

The claimant's separation from employment was attributable to the employer. The claimant had completed a "spot job" on September 7, 2012. The contract of hire for the two-day spot job was fulfilled when the job was completed. Mr. Cochran was under no obligation to report to the facility in person the next day for another spot job in order to be eligible for benefits. There was no requirement that the claimant contact the temporary service to establish his availability after completing the spot job.

The purpose of the statute requiring individuals for accepting longer term temporary employment assignments is to give notice to the temporary agency employer that the claimant is available for work at the conclusion of a temporary assignment. In this case the claimant had no obligation to contact the employer again. The evidence in the record establishes that the claimant did contact the employer on September 7, 2012 by personally reporting back to the facility at the end of the spot job, however, the employer's practice is not to assign spot jobs for the next day even if a worker establishes his availability before the day of the spot job.

Mr. Cochran completed the spot job and had no obligation to report for further spot jobs. Unemployment insurance benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The representative's decision dated May 1, 2013, reference 01, is affirmed. The claimant left employment with good cause attributable to the employer. Unemployment insurance benefits are allowed, providing the claimant is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs