

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAUD A MOHAMED
Claimant

APPEAL NO: 06A-UI-09133-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

**OC: 07/30/06 R: 02
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Express Services, Inc. (employer) appealed a representative's September 7, 2006 decision (reference 02) that concluded Daud A. Mohamed (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's employment separation in early May 2006 occurred as the result of nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 27, 2006. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which he could be contacted to participate in the hearing. As a result, no one represented the claimant. B. J. Butler appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment in early May for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant registered to work for the employer's business clients on November 27, 2005. From mid-December 2005 through April 2006, the employer did not have any contact with the claimant. When the claimant contacted the employer in April, the employer assigned the claimant to a job on April 5, 2006.

The job the employer assigned was a day-to-day job. In other words, if the client needed someone to work the next day, the employer would ask the claimant the day before if he was available to work the next day.

The claimant worked on May 3, 2006. The employer learned the business client needed the claimant to work on May 4. The employer asked the claimant if he was available to work May 4 and he indicated he was. The claimant did not report to work or contact the employer on May 4.

The claimant could also have worked on May 5. Since the claimant did not call or report to work after May 3, the claimant did not know he could have worked on May 5.

The claimant established a claim for unemployment insurance benefits during the week of July 30, 2006. The claimant did not contact the employer again until late September 2006. The claimant has not received any benefits since he established his unemployment insurance claim.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. The evidence shows the claimant did not complete a job assignment. The claimant could have continued to work, but he abandoned the assignment after May 3, 2006. For unemployment insurance purposes, the claimant quit this employment. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code § 96.6-2.

The claimant may have had compelling reasons for quitting. The facts do not, however, establish that he quit for reasons that qualify him to receive benefits. Therefore, as of July 30, 2006, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's September 7, 2006 decision (reference 02) is reversed. The claimant voluntarily quit a job assignment in May 2006 for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 30, 2006. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/cs