

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

NIKKI M LANDON
BLDG A APT 91
4205 PARK AVE
DES MOINES IA 50321

REMEDY INTELLIGENT STAFFING INC
c/o TALX UC EXPRESS
PO BOX 66864
ST LOUIS MO 63166-6864

Appeal Number: 04A-UI-01535-CT
OC: 01/04/04 R: 02
Claimant: Respondent (1)

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Remedy Intelligent Staffing, Inc. (Remedy) filed an appeal from a representative's decision dated February 3, 2004, reference 01, which held that no disqualification would be imposed regarding Nikki Landon's separation from employment. After due notice was issued, a hearing was held by telephone on March 4, 2004. Ms. Landon participated personally. The employer participated by Jenny Downey, Human Performance Testing Administrator.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Landon began working through Remedy on July 7, 2003 and was assigned to work at Wells Fargo. On or about December 30, she was advised that the assignment would end on January 2, 2004. She asked if she could leave the assignment early and was told that she would not be offered further work through Remedy if she did not complete the assignment. Ms. Landon decided not to complete the assignment because she needed time to have the brakes on her vehicle repaired.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Landon was separated from employment for any disqualifying reason. She was hired for placement in temporary work assignments. An individual so employed must complete her last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Ms. Landon did not complete her last assignment because she chose not to remain at Wells Fargo until January 2. Because her separation on December 30 was not at the employer's initiative, it is considered a voluntary quit.

There are situations where an individual is eligible to receive benefits in spite of having left employment voluntarily. Where an individual quits in advance of an announced scheduled layoff, benefits are allowed as of the effective date of the layoff. See 871 IAC 24.25(40), 24.26(13). In the case at hand, Ms. Landon would not have had work after January 2. Therefore, she would have been unemployed as of the effective date of her claim, January 4, 2004. For the reasons stated herein, benefits are allowed.

DECISION:

The representative's decision dated February 3, 2004, reference 01, is hereby affirmed as to result. Ms. Landon voluntarily quit her employment on December 30, 2003 in advance of a layoff scheduled for January 2, 2004. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/kjf