

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NICOLE Y HAGEN
Claimant

APPEAL NO: 11A-UI-04790-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

**OC: 02/20/11
Claimant: Respondent (1/R)**

Iowa Code § 96.5(2)a - Discharge

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's March 30, 2011 determination (reference 02) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation was for nondisqualifying reasons. The claimant did not respond to the hearing notice or participate in the hearing. Jody Korlesky, a staffing consultant, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The employer assigned the claimant to a job at Winnebago on September 20, 2010. After Winnebago personnel informed the employer that there was no more work for the claimant to do, the employer contacted the claimant on February 18, 2011. The employer informed the claimant she had finished her job at this assignment. The employer also then told the claimant about two other job assignments. The claimant declined these assignments because they were for second shift work. The claimant had been working first shift because she has children at home. The employer received information the claimant moved out of state in late March 2011.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2). The claimant finished her job assignment. As a result, the reasons for her employment separation do not disqualify her from receiving benefits.

The employer raised issues of whether the claimant refused offers of work and if the claimant was able to or available for work. Since these issues were not noted on the hearing notice, these will be remanded to the Claims Section to determine.

DECISION:

The representative's March 30, 2011 determination (reference 02) is affirmed. The claimant did not voluntarily quit her employment without good cause and she was not discharged for work-connected misconduct. Since the reasons for her employment separation do not disqualify her from receiving benefits, she is qualified to receive benefits as of February 20, 2011, provided she meets all other eligibility requirements. The employer's account is subject to charge. Issues concerning the claimant's ability to and availability for work and whether she refused the employer's offer of other assignments are **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs