

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JERRY L BRUMMETT**  
Claimant

**APPEAL NO. 13A-UI-09673-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LABOR READY MIDWEST INC**  
Employer

**OC: 07/21/13**  
**Claimant: Appellant (2)**

871 IAC 24.1(113)a - Layoff

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated August 15, 2013, reference 02, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on September 25, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer and the employer sent a letter stating it was not participating.

**ISSUE:**

Was the claimant laid off due to lack of work?

**FINDINGS OF FACT:**

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant signed up for work with the employer's office in Council Bluffs in June 2013, but was only provided work on June 17 (five hours) and June 21 (eight hours). He contacted the employer after June 21 but they had no work for him so he decided to move to Des Moines because a friend offered him a place to stay and he thought there might be more work opportunities. He signed up for assignments with the employer's Des Moines office after moving.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a. On the other hand, an claimant who is laid off for lack of work is eligible for benefits. 871 IAC 24.1(113)a.

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.

The evidence shows the claimant worked temporary work assignments, completed each assignment, and sought other assignment afterward. He did not voluntarily quit employment. Even if claimant had quit, the job was clearly part time and he would not be subject to disqualification because his claim is not based on wages from the employer.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim. If the employer becomes a base period employer in a future benefit year, its account may be chargeable for benefits paid to the claimant based on this separation from employment.

**DECISION:**

The unemployment insurance decision dated August 15, 2013, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css