

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROXANE M KEENEY**  
Claimant

**APPEAL NO. 11A-UI-09055-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MASTERSON PERSONNEL INC**  
Employer

**OC: 06/06/10**  
**Claimant: Appellant (2)**

871 IAC 24.1(113)a - Layoff

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated July 8, 2011, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on August 2, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Teresa Golly. No one participated in the hearing on behalf of the employer. Exhibit A was admitted into evidence at the hearing.

**ISSUES:**

Was the claimant laid off for lack of work?

Was the claimant able to and available for work?

**FINDINGS OF FACT:**

The claimant filed a claim for unemployment insurance benefits effective June 6, 2010, after her employment with Ultimate Nursing ended.

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant went through a two-hour orientation to work on an assignment at the Malt-O-Meal plant in St. Ansgar, Iowa, for which she was paid \$18.00, but was never called to report to work.

The claimant was scheduled to work at the Premiere Foods Egg Plant on December 8, 2010. She injured herself before work and called in to notify the employer about this. She went to the doctor and was released to return to work without restrictions on December 9, 2010. The claimant contacted the employer after seeing the doctor and told the employer that she had a release to work and could report to work on December 9, 2010. The employer told her not to report to work and said she would be called about future available work. She never was called.

**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. The claimant did not quit and was not discharged for misconduct. She was laid off due to lack of work. See 871 IAC 24.1(113)a. She was told that the employer would call her regarding work, but she never received a call.

The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible. The employer is chargeable for benefits based the \$18.00 in wages paid to the claimant for orientation.

**DECISION:**

The unemployment insurance decision dated July 8, 2011, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw