

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**COREY DAVEY**  
Claimant

**APPEAL NO: 14A-UI-03311-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 03/02/14**  
**Claimant: Appellant (2)**

Section 96.5(1) – Voluntary Leaving  
871 IAC 24.26(19 & 22) – Voluntary Leaving

**STATEMENT OF CASE:**

The claimant filed a timely appeal from the March 24, 2014, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on April 17, 2014. The claimant participated in the hearing. Michael Payne, Risk Management Manager, participated in the hearing on behalf of the employer. Employer's Exhibits One through Four were admitted into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily left his employment.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time production laborer for Advance Services last assigned to Cardinal IG from April 15, 2013 to February 26, 2014. The claimant's assignment ended due to a lack of work.

On February 24, 2014, the claimant was informed he would be laid off as Cardinal IG was releasing the entire line February 28, 2014. The claimant asked if he would be recalled and was told he would not. Later that day the claimant filled out a slip indicating he was going home because he was not feeling well and provided it to Supervisor Linda Winkelman. He was also ill February 25, 2014, and called the employer and the client to report his absence. On February 26, 2014, before his scheduled 3:00 p.m. shift, he spoke to Renee Hoyt from the employer's Creston office and stated he did not think it was a good idea for him to go back to Cardinal IG. She told him to finish the week and he agreed to do so. Later that day he rode to work with another line worker and a supervisor. As he was walking to the time clock area he saw Ms. Winkelman and she said, "What are you doing here. You don't work here anymore." The claimant responded that he had been told to finish the week and Ms. Winkelman laughed and walked away from him. He then went to the break room and called his supervisor, who met him at the time clock, took his time card and stated it was nice working with, and knowing, him.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's separation was not disqualifying.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 24.25(29) provides:

(29) The claimant left in anticipation of a layoff in the near future; however, work was still available at the time claimant left the employment.

The claimant completed the assignment as he worked until he was told by Supervisor Winkelman he no longer worked there, which was three days shy of when the employer and client told him the assignment was ending. While the claimant told the employer he effectively did not see the point of finishing the last three days of the assignment after being told he would not be recalled, he did report for work after the employer told him he needed to finish the week but was asked what he was doing there and then told he did not work there any longer, his time card was taken and another supervisor told him goodbye. If the claimant had not reported for work February 26, 2014, he might not have been eligible for benefits for that week but would have been eligible the following week. This case is distinguishable from 871 IAC 24.25(29) because work was not available for the claimant at the time he was instructed to leave his employment. Under these circumstances, the administrative law judge must conclude the claimant left his assignment after being told it was completed and his services were no longer required. Therefore, benefits are allowed.

**DECISION:**

The March 24, 2014, reference 01, decision is reversed. Benefits are allowed, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs