

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GLORIA J HARMON**  
Claimant

**APPEAL NO. 08A-UI-01191-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EAST WEST STAFFING LLC**  
Employer

**OC: 07/08/07 R: 04  
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated January 22, 2008, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 19, 2008. Claimant participated. Employer participated by Michelle Mutchler, On Site Manager.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on February 19, 2008. Claimant thought she would be short on hours during the week of December 28, 2007. Claimant believed she would be paid for three instead of four days. Claimant was in fact paid for four days. Claimant called workforce development and reactivated her claim for the week of December 28, 2007 but never called in the claim. No benefits were paid. Claimant received a type of holiday pay for the week which put her over the income limit for eligibility.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has established that claimant was in a temporary lay off status for just one day. Claimant did not file for benefits because of the receipt of one extra day of pay. No disqualification should be imposed because employer did not offer a full five day workweek. Since claimant is still employed this case is moot as a new separation will occur on the next diminution of available work. Benefits allowed.

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.

**DECISION:**

The decision of the representative dated January 22, 2008, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/pjs