

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DOGALE Z YUGUSUK
Claimant

APPEAL NO. 10A-UI-08019-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SPHERION STAFFING LLC
Employer

OC: 04/04/10
Claimant: Appellant (2)

871 IAC 24.1(113)a - Layoff

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 28, 2010, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on July 20, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Teresa Ray was to participate for the employer but she was not available at the time of the hearing.

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 worked on an assignment as an assembler at HP from August 30, 2009, to March 12, 2010.

The claimant notified the employer that he was sick and unable to work on March 15. He was available to work on March 16 but received a call from his supervisor informing him that there was not work for him that day. The supervisor told the claimant that he would call when there was work available again. The claimant was never called to return to work. He later called his supervisor and left messages when the supervisor did not answer, but never received a return call. He also called the general number for the employer and left messages, but no one returned his calls.

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 section 96.5-1 and 96.5-2-a. The claimant never quit and was not discharged for misconduct. Instead, he was laid off due to lack of work. 871 IAC 24.1(113)a. He is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

DECISION:

The unemployment insurance decision dated May 28, 2010, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs