

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

DANNY L EVANS
700 – 41ST AVE DR LOT 24
CEDAR RAPIDS IA 52404

BI STAFFING INC
BURNS STAFFING
ADP-UCS
PO BOX 6501
DIAMOND BAR CA 91765

Appeal Number: 04A-UI-00091-HT
OC: 11/09/03 R: 03
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Quit

STATEMENT OF THE CASE:

The employer, Burns Staffing, filed an appeal from a decision dated December 19, 2003, reference 04. The decision allowed benefits to the claimant, Danny Evans. After due notice was issued a hearing was held by telephone conference call on January 29, 2004. The claimant participated on his own behalf. The employer participated by Branch Manager Jim Plank and was represented ADP in the person of Joseph Ojeda.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Danny Evans was employed by Burns Staffing from June 4 until November 13, 2003. He was assigned at Pickwick Manufacturing as a welder. He was contacted by Regional Manager Jeff Winders on November 13, 2003, and informed the assignment was at an end.

This employer does not have any requirement that staff contact the office within a certain number of days to request another assignment.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is not.

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.

The claimant was laid off because his assignment had come to an end. As the employer has no policy requiring employees to report in within a certain number of days, this is a lay off for lack of work.

DECISION:

The representative's decision of December 19, 2003, reference 04 , is affirmed. Danny Evans is qualified for benefits provided he is otherwise eligible.

bgh/kjf