

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN J WILLIAMS
Claimant

APPEAL NO. 10A-UI-01726-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 12/20/09
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit
Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 26, 2010, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on March 15, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Chad Baker participated in the hearing on behalf of the employer with a witness, Brenda Lampe

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?
Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant started working for the employer in March 2003. When the claimant was hired, he signed a statement that he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant's last assignment was working as a general laborer at Molded Fibers. He worked on that assignment from September 2009 to December 8, 2009. The claimant called Molded Fibers before his shift on December 9 and 10 due to severe weather conditions and was told by a supervisor that his shift was not running those days.

The claimant hurt his knee on the evening of December 10 and was not able to work. He called Molded Fibers and the employer before the start of his shift on December 11 stating that he would not be at work due to his injury .

The claimant had two absences prior to December 11. As a result, Molded Fibers requested that the claimant be removed from the assignment on December 11. The claimant was unaware of this until he reported to work at Molded Fibers on December 14 and a supervisor

informed him that he was no longer working there. The claimant called the employer within two hours. The account manager confirmed the fact that he had been removed from the assignment and told him the employer would try to find another assignment for him. She told him to call at least once a week afterward. The claimant called on December 28 and January 11 asking about work, but the employer did not have anything for him.

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 findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof.

As an initial matter, if the removal from the job assignment could be construed as a discharge, it was not for work-connected misconduct under Iowa Code section 96.5-1 because the final absence was due to a legitimate medical problem and he properly called in.

Iowa Code section 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The claimant is not subject to disqualification under Iowa Code section 96.5-1-j because he called the employer within two hours after he learned the assignment had ended. The fact that he did not say the words "do you have another assignment" would not subject the claimant to disqualification because the account manager told him the employer would try to find him another assignment. The law imposes no disqualification for failing to call a staffing company at some specified interval after the claimant has satisfied the requirements of Iowa Code section 96.5-1-j. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

DECISION:

The unemployment insurance decision dated January 26, 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