

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BARBIE L WARD

Claimant

APPEAL NO: 09A-UI-08587-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING

Employer

OC: 03/22/09

Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Sedona Staffing (employer) appealed a representative's June 10, 2009 decision (reference 01) that concluded Barbie L. Ward (claimant) completed a job assignment on September 30, 2008, and notified the employer within three working days of completing the assignment and qualified to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 2, 2009. The claimant did not respond to the hearing notice. No one appeared on the claimant's behalf. Colleen McGuinty and Kim Woehlk appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant complete a job assignment, voluntarily quit her employment for reasons that qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The employer offered the claimant a job at a printing company that was to start on September 24, 2008. The employer explained she would receive training on first shift, but after she completed the training she would work second shift. The claimant accepted the job offer.

The evening of September 23, the claimant's son was arrested and had to appear in court the next morning. The claimant left the employer a voice mail explaining why she had to go to court the next morning, but indicated that she really wanted this job. The claimant reported to work late at the printing company. She worked on September 24, 25 and 26.

Although the claimant's assignment had not ended or been completed, she left a voice mail for the employer on September 29 indicating she was looking for work. The employer immediately called the claimant to tell her to report to the printing company as soon as possible. The claimant did not report to the job.

On September 30, the claimant talked to the employer and indicated she could no longer work second shift. Again, the employer told the claimant to report to the printing company because was still receiving training and being paid for first shift work. The claimant did not report to the printing assignment anytime after September 26, 2008.

On October 3, the claimant called the employer again looking for work. This time she indicated she was available to work first or second shift.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code section 96.5-1. The claimant accepted and worked 2.5 days at an assignment. The claimant did not complete the assignment. Even though the claimant contacted the employer looking for work on September 29 and October 3, she had not completed the printing job assignment and there was still first shift work (training) available for her to do. The evidence indicates the claimant quit the job she started on September 24, 2008. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code section 96.6-2.

The law presumes a claimant quits employment without good cause when she leaves because she does not like the shift she works. 871 IAC 24.25(18). Even though the employer understood the claimant no longer wanted to work second shift, which is the shift she was hired to work, the claimant quit while she was still being trained during first shift. The claimant may have had personal reasons for quitting. The evidence does not establish that she quit for reasons that qualify her to receive benefits. As of September 28, 2008, the claimant is not qualified to receive benefits.

DECISION:

The representative's June 10, 2009 decision (reference 01) is reversed. The claimant did not complete a job assignment. Instead, she quit a job for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of September 28, 2008. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs