

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

STANLEY A TOWNSEND  
414 N JEFFERSON  
OTTUMWA IA 52501

SUPREME STAFFING INC  
PO BOX 149  
OTTUMWA IA 52501-0149

Appeal Number: 04A-UI-09231-HT  
OC: 02/08/04 R: 03  
Claimant: Appellant (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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1-a – Quit/Other Employment

STATEMENT OF THE CASE:

The claimant, Stanley Townsend, filed an appeal from a decision dated August 24, 2004, reference 03. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on September 20, 2004. The claimant participated on his own behalf. The employer, Supreme Staffing, participated by Office Manager Mike Riehl.

#### 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: Stanley Townsend was employed by Supreme Staffing from February 28, 2003 until July 15, 2004. His last assignment was with the City of Ottumwa and began on May 24, 2004. He was scheduled to work at least through July 16, 2004. However, on July 15, 2004, he notified Office Manager Mike Riehl that he had to go to St. Louis, Missouri, as his name was high on the list at the union hall and he had to be present in the hall when his name was called, or he would forfeit his place in the roster and not be able to work at that union hall for the foreseeable future.

The claimant was not actually offered a job when he ended his assignment at Supreme Staffing, he was only told that he was close to the top of the roster for available jobs. No employment was available to him when he reached St. Louis.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is.

Iowa Code Section 96.5-1-a 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. But the individual shall not be disqualified if the department finds that:

a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant left in the hopes of getting hired through the union hall in St. Louis, Missouri. However, there was no assurance of any job, only a possibility. His decision to quit for the possibility of a better paying job is not good cause attributable to the employer. He has not requalified under the provisions of the above Code section because he did not accept a new job and perform services for that new employer. He is disqualified.

#### DECISION:

The representative's decision of August 24, 2004, reference 03, is affirmed. Stanley Townsend is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount provided he is otherwise eligible.

bgh/kjf