

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS L HALL
Claimant

APPEAL NO. 08A-UI-01483-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING
Employer

OC: 01/06/08 R: 04
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Sedona Staffing (employer) appealed a representative's February 7, 2008 decision (reference 02) that concluded Thomas L. Hall (claimant) was qualified to receive unemployment insurance benefits because even though the claimant worked part-time, he was still available to work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 27, 2008. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which he could be contacted to participate in the hearing. As a result, no one represented the claimant. Dawn Fulton, an account specialist, and Sarah Schneck 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 voluntarily quit an assignment on September 26, 2007, for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The employer is a staffing service. The claimant registered to work for the employer on March 27, 2007. The employer assigned the claimant to a temp-to-hire position that he started on September 14, 2007. The claimant worked at this job until September 26, 2007. Prior to September 26 the claimant's job was not in jeopardy. The claimant did not return to this assignment after September 26 because he did not like the job. On September 28, 2007, the claimant checked with the employer for another job assignment. The employer did not have another job to assign him.

The employer assigned the claimant to another job on January 14, 2008. The claimant accepted this assignment. The claimant has not filed any weekly claims after January 12, 2008.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The evidence establishes the claimant quit a temp-to hire job in late September 2007. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The claimant may have had compelling personal reasons for quitting the temp-to-hire job in late September 2007. Since the claimant did not participate in the hearing, the facts do not establish that he quit for reasons that qualify him to receive unemployment insurance benefits. Therefore, as of January 6, 2008, the claimant is not qualified to receive unemployment insurance benefits.

There is nothing in the record indicating the claimant worked for another employer between September 27, 2007 and January 6, 2008. If the claimant earned subsequent wages during this time that equal at least \$1,590.00, he must submit evidence of these wages to his local Workforce office.

Since the claimant is not qualified based on the reasons for his employment separation on September 27, 2007, the issue of whether he is able to and available for work as of January 6, 2008, is moot.

DECISION:

The representative's February 7, 2008 (reference 02) is reversed. The issue of whether the claimant is able to and available for work as of January 6, 2008, is moot because the claimant voluntarily quit a temp-to-hire job on September 27, 2007, for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of January 6, 2008. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css