

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

JONATHAN T BUCKNER
Claimant

PEOPLEREADY INC
Employer

APPEAL 23A-UI-04736-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/26/23
Claimant: Appellant (4R)**

Iowa Code § 96.5(1) – Voluntary Quit from Employment
Iowa Code § 96.5(1)g – Voluntary Leaving/Requalification

STATEMENT OF THE CASE:

On May 6, 2023, claimant Jonathan T. Buckner filed an appeal from the April 27, 2023 (reference 02) unemployment insurance decision that denied benefits based on a determination that claimant voluntarily quit employment without good cause attributable to employer Peopleready Inc. The parties were properly notified of the hearing. A telephonic hearing was held at 2:00 p.m. on Wednesday, May 24, 2023. Claimant Jonathan T. Buckner participated. Employer Peopleready Inc. participated through Keana Hampton, Branch Manager. Claimant's Exhibits A and B were received and admitted into the record without objection. The administrative law judge took official notice of the administrative record to incorporate claimant's wage records into the hearing record.

ISSUE:

Has the claimant requalified for benefits since the separation from this employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant initially applied for work with the employer on September 12, 2019, and he received his first assignment on September 26, 2019. He has worked temporary job assignments throughout his employment relationship. Claimant's final job assignment prior to opening his claim for benefits ended on February 9, 2023. Claimant stopped reporting for this assignment in order to pursue employment with another employer. After ending his assignment on February 9, claimant worked for Don Gardner Construction. Claimant worked full-time hours and earned an hourly rate of \$17.00. (Claimant's Exhibit A) He earned ten times his weekly benefit amount of \$305.00 during the six weeks between February 12, 2023 and March 23, 2023.

After opening his claim for benefits, claimant returned to work with Peopleready in April 2023. Claimant accepted an assignment and then stopped reporting for this assignment. He then got into an argument with Hampton, which ultimately led to the employer ending his ability to work for the company for a one-year period. This separation has not been analyzed by Iowa Workforce Development.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant separated from the employer and subsequently requalified for benefits.

Iowa Code section 96.5(1)g 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:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

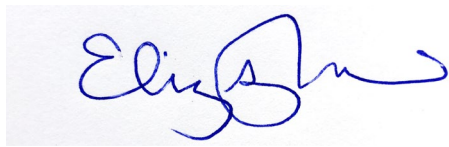
The information presented during the hearing indicates claimant stopped reporting for work and voluntarily ended his employment for no good-cause reason attributable to the employer. Therefore, this would be a disqualifying separation. However, the administrative law judge concludes from the administrative record that the claimant has requalified for benefits since separating from this employer, because he has earned ten times his weekly benefit amount in insured wages with another employer. Accordingly, benefits are allowed *provided he is otherwise eligible* and the account of the employer shall not be charged.

This matter will be remanded to examine whether claimant remains eligible for benefits based on his April 2023 separation from Peopleready Inc.

DECISION:

The April 27, 2023 (reference 02) unemployment insurance decision is modified in favor of the claimant. The claimant voluntarily quit his employment on February 9, 2023 and has requalified for benefits since his separation. The claimant shall be eligible for benefits, provided he is otherwise eligible. The account of Peopleready Inc. (account number 587246) shall not be charged.

REMAND: The issue of whether claimant is eligible for benefits based on his April 2023 separation from Peopleready Inc. is remanded to the Benefits Bureau of IowaWorkforce Development for a fact-finding interview and determination to the parties.



Elizabeth A. Johnson
Administrative Law Judge

May 31, 2023
Decision Dated and Mailed

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APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
Online: eab.iowa.gov**

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.

AN APPEAL TO THE BOARD SHALL 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.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or 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.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.