

**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**

**JASON O WEST
1515 – 34TH ST NE
CEDAR RAPIDS IA 52402**

**EXPRESS SERVICES INC
PO BOX 720660
OKLAHOMA CITY OK 73172**

**Appeal Number: 06A-UI-02190-HT
OC: 12/25/05 R: 03
Claimant: Appellant (2-R)**

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Jason West, filed an appeal from a decision dated February 14, 2006, reference 02. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on March 13, 2006. The claimant participated on his own behalf. The employer, Express Services, participated by Staffing Consultant Heather Wickman.

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: Jason West began working for Express Services on

August 11, 2004. He was assigned indefinitely to Midwest Metal Products as a full-time employee.

On July 1, 2005, the claimant notified the employer he had been accepted to the University of Dubuque and would begin school in the fall. He had also accepted an internship at First Baptist Church which would begin immediately and he would not be able to continue full time at Midwest. The client company offered him a part-time position which he accepted. However, the part-time hours could not be accommodated with Midwest's needs and he was released on July 22, 2005.

Prior to filing his claim for benefits the claimant worked at Daydream Senior Care LLC, account number 323368-000. This separation has not been adjudicated.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is not.

Iowa Code section 96.5-1 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.

The claimant was laid off from Midwest Metal Products on July 22, 2005, because it could not accommodate his available work hours with its production needs. This is not a disqualifying separation as it was not a discharge for misconduct or a voluntary quit.

The issue of the claimant's separation from Daydream Senior Care LLC should be remanded to the Claims Section for determination.

DECISION:

The representative's decision of February 14, 2006, reference 02, is reversed. Jason West is qualified for benefits provided he is otherwise eligible.

The issue of the claimant's separation from Daydream Senior Care LLC is remanded to the Claims Section for determination.

bgh/tjc