

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SONIA RAMIREZ

Claimant

APPEAL NO: 11A-UI-15555-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AVENTURE STAFFING & PROFESSIONAL

Employer

OC: 10/16/11

Claimant: Appellant (2/R)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 28, 2011 determination (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant did not respond to the hearing notice or participate in the hearing. Kayla Neuhalphen, a human resource representative, appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

ISSUE:

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

FINDINGS OF FACT:

The claimant registered to work with the employer and started a job assignment at Monsanto on August 31, 2011. She completed this assignment on October 4, 2011. The claimant made a timely request for another assignment.

The claimant established a claim for benefits during the week of October 16, 2011.

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, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The evidence establishes the claimant became unemployed after she completed a job assignment on October 4, 2011. Therefore, she is qualified to receive benefits based on the reasons for her October 4, 2011, employment separation.

Even though the employer offered her another job assignment that the claimant did not accept, this issue was addressed in a determination (reference 03). The employer did not appeal this

determination. Since the claimant informed the employer on October 6 she had transportation issues, the issue of whether the claimant was available for work as of October 16 will be remanded to the Claims Section to determine.

The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

DECISION:

The representative's November 28, 2011 determination (reference 02) is reversed. The claimant did not quit and she was not discharged. On October 4, the claimant completed a job assignment and made a timely request for another assignment. Based on the reason for her October 4 employment separation, the claimant is qualified to receive benefits. The employer's account will not be charged for benefits the claimant may receive during her current benefit year.

The employer raised the issue of the claimant's availability because she had some transportation issues in early October. The issue of whether the claimant is available for work as of **October 16, 2011**, is **Remanded** to the Claims Section to investigate. The Claims Section shall issue a written decision that will be sent to both the claimant and the employer.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw