

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

DAN G JOHNSON
818 – 10TH ST SW FRONT APT
CEDAR RAPIDS IA 52404

LABOR READY MIDWEST INC
ATTN PAYROLL TAX DEPT
PO BOX 2910
TACOMA WA 98401-2910

LABOR READY
C/O TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-10510-HT
OC: 03/07/04 R: 03
Claimant: Respondent (2)

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 employer, Labor Ready, filed an appeal from a decision dated September 16, 2004, reference 06. The decision allowed benefits to the claimant, Dan Johnson. After due notice was issued a hearing was held by telephone conference call on October 19, 2004. The claimant participated on his own behalf. The employer participated by Branch Manager James Deromedi. Exhibit One was admitted into the record.

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: Dan Johnson was employed by Labor Ready from

June 3 until September 1, 2004. At the time of hire the claimant acknowledged the receipt of company policies regarding availability for assignments. Employees who want to be assigned must report to the Labor Ready office daily and sign in. The claimant did this at the beginning of his employment but when he was assigned on a "weekly ticket" at Universal Engineering, he did not have to do this.

On August 27, 2004, the claimant reported to the office and submitted his time sheet for the week. The client company had not requested him to return the next week and he was no longer on a "weekly ticket." Mr. Johnson did not report to the Labor Ready office at any time after that to request another assignment as required, because he was disappointed Universal Engineering did not hire him full time. He sought other employment but did not obtain any until October 4, 2004.

Dan Johnson filed an additional claim for unemployment benefits with an effective date of August 29, 2004. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

REASONING AND CONCLUSIONS OF LAW:

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

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.

871 IAC 24.25(3) provides:

(3) The claimant left to seek other employment but did not secure employment.

The claimant had been advised he must report to the Labor Ready office on any day when he wished to work. He did not do so after his last assignment ended on August 27, 2004, and cannot be considered to have requested another assignment after August 27, 2004. His decision to quit was based on a desire to find other employment, which is not good cause attributable to the employer under the provisions of the above Administrative Code section.

DECISION:

The representative's decision of September 16, 2004, reference 06, is reversed. Dan Johnson is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

bgh/b