

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL J COLOSIMO
Claimant

APPEAL NO. 13A-UI-02593-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

OC: 01/27/13
Claimant: Appellant (2)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 5, 2013, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was scheduled for March 29, 2013. The parties were properly notified about the hearing. Neither party participated in the hearing. The claimant called long after the scheduled time of the hearing and admitted he had not called in and provided his telephone number. Based on the administrative file and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked on an assignment as a route driver for Bimbo Bakeries until January 26, 2013.

On January 24, the claimant was notified that the bread route was no longer available and his last day would be January 26.

On January 28, the claimant reported to the employer's office and informed the employer that his assignment was ending. He asked for another assignment but no work was available at that time. He contacted the employer again on February 4 but again was informed there was no work available.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good

cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The claimant was laid off due to lack of work and did not voluntarily quit employment. He complied with Iowa Code § 96.5-1-j and is qualified to receive benefits.

DECISION:

The unemployment insurance decision dated March 5, 2013, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/tll