

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEREMY Z BEELER**  
Claimant

**APPEAL NO. 09A-UI-19344-SWT**

**ADMINISTRATIVE LAW JUDGE  
NUNC PRO TUNC DECISION**

**JACOBSON INDUSTRIAL SERVICES**  
Employer

**OC: 05/31/09  
Claimant: Appellant (4-R)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated December 17, 2009, reference 05, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on February 4, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. No one called in on behalf of the employer to participate in the hearing.

This decision has been amended to correctly indicate that the claimant participated in the hearing and the employer did not participate.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer or was he laid off due to lack of work?

**FINDINGS OF FACT:**

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. He was assigned to work as a production worker at Jeld-Wen in Grinnell, Iowa, starting in March 2009. He filed a new claim for unemployment insurance benefits with an effective date of May 31, 2009, after his hours were reduced and he was laid off in July 2009.

He returned to work from September 15 to November 19, 2009, when his hours again were reduced and he filed for partial unemployment insurance benefits. He was laid off during the week ending November 28 and worked part time during the week ending December 5.

Around December 7, 2009, the claimant received a call from an account manager about returning to work at Jeld-Wen. He was offered a temporary day shift job. The claimant had been working a night shift and had transportation arranged for that shift. He told the account manager that he could not accept the job due his transportation issues unless he got a raise to offset transportation expenses. He lives 25 miles from work and had been using a family member's car, but the car would not have available during the day.

The employer has not contacted the claimant about any available work since December 7, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a. The claimant never voluntarily quit employment and was not discharged for misconduct. During the time periods when the claimant filed for unemployment insurance benefits he was either laid off or working a reduced workweek and eligible for benefits on that basis.

The unemployment rules provide that for an employee hired for temporary work assignments, the election not to accept a new assignment shall not be considered a voluntary quitting of employment. Instead, the issue of whether the claimant failed to accept an offer of suitable work without good cause shall be decided. 871 IAC 24.26(19). This issue was not included on the hearing notice as an issue in this case. Therefore, I cannot decide this issue, which must be resolved, to properly decide if the claimant is eligible for benefits.

The issue of whether the claimant failed to accept an offer of suitable work without good cause is remanded to the Agency to decide.

**NUNC PRO TUNC DECISION:**

The unemployment insurance decision dated December 17, 2009, reference 05, is modified in favor of the claimant. He is qualified based on the reasons for his separation from employment since he did not quit employment and was not discharged for misconduct, but the issue of whether the claimant failed to accept an offer of suitable work without good cause is remanded to the Agency to decide.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css