

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARLEE M MILLER
Claimant

APPEAL NO: 10A-UI-00319-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 05/17/09
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed a representative's December 29, 2009 decision (reference 03) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation was for nondisqualifying reasons. A telephone hearing was held on February 18, 2010. The claimant did not respond to the hearing notice or participate in the hearing. Sarah Fiedler, a claims administrator, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

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

FINDINGS OF FACT:

The employer is a temporary staffing firm. The claimant registered to work for the employer on May 17, 2008. The most recent job the employer assigned to the claimant began on March 23, 2009. The last day the claimant worked at this assignment was July 10, 2009. The claimant left work four hours early on July 10 and told the employer she had to take her daughter to a doctor's appointment. The claimant did not finish this job assignment. She did not contact the employer the next few days or report to work again.

The employer concluded the claimant quit this assignment when she did not have any contact with the employer for over ten days. On July 27, 2009, when the claimant called the employer to report she was available for work, the employer had already ended her employment because she had quit by abandoning her job.

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 voluntarily quit her employment by abandoning her job after July 10, 2009. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6-2.

The claimant's failure to report back to work or contact the employer July 13 through 27 indicates she abandoned her employment. Since the claimant did not participate in the hearing, the facts do not reveal why the claimant did not call or report to work for two or more weeks. The claimant may have had compelling reasons for quitting, but the evidence does not establish that she quit for reasons that qualify her to receive benefits. As of July 12, 2009, the claimant is not qualified to receive benefits.

DECISION:

The representative's December 29, 2009 decision (reference 03) is reversed. The claimant voluntarily quit her employment without good cause by abandoning her job after July 10, 2009. The claimant is disqualified from receiving unemployment insurance benefits as of July 12, 2009. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css