

**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**

**ROY SANDERS
PO BOX 3372
DAVENPORT IA 52808**

**LA LEASING INC
SEDONA STAFFING
612 VALLEY DR
MOLINE IL 61265**

**Appeal Number: 06A-UI-00166-HT
OC: 11/27/05 R: 04
Claimant: Respondent (4)**

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, Sedona Staffing, filed an appeal from a decision dated December 30, 2005, reference 01. The decision allowed benefits to the claimant, Roy Sanders. After due notice was issued a hearing was held by telephone conference call on January 23, 2006. The claimant participated on his own behalf. The employer participated by Unemployment Benefits Administrator Colleen McGuinty and Industrial Account Manager Vicky Eilers. The hearing was continued until February 14, 2006, when the employer added Account Manager Laura Kilmer as a witness. Exhibits A and One were admitted into the record. The claimant was not available at the time of the continued hearing as the only response to the state operator's attempts to contact him was a voice mail.

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: Roy Sanders began working for Sedona Staffing in October 2004. His last assignment was at Nestles Purina on June 13 and 17, 2005. He reported back on June 23, 2005, but the expected work was not there and he was sent home. The client company had thought he agreed to come back on June 24, 2005, when there would be work available but he was no-call/no-show.

The employer maintained he had been contacted on June 25, 2005, and asked why he did not report to work but the claimant said he never got a call. Sedona Staffing further indicated Mr. Sanders had been called by an account manager on July 18, 2005, and told he could not be given any new assignments until he came in and signed a warning issued for the no-call/no-show, but the claimant denied being told this by anyone.

Mr. Sanders filed a claim for unemployment benefits with an effective date of November 27, 2005. His weekly unemployment benefit amount is \$68.00. The records of Iowa Workforce Development indicate the claimant earned more than ten times this weekly benefit amount from subsequent employers after his separation from Sedona Staffing.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is not.

Iowa Code section 96.5-1-g 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. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The claimant submitted a record of his telephone calls from his cell phone numbers to prove he did not get calls from Sedona Staffing on June 15, 2005. However, incoming calls are not specified by originating telephone number, only that the call was incoming to the cell phone. In addition, the employer did provide a written statement from the on-site manager at the client company that the claimant agreed to return to work on June 24, 2005, and direct testimony from an account manager that he was told to come in and sign a warning about this no-call/no-show on July 18, 2005, which he did not do.

The record establishes the claimant was no-call/no-show to his assignment, and later declined to come in and sign the warning so he could be given new assignments. This must be considered a voluntary quit without good cause attributable to the employer. However, he has requalified by hearing ten times his weekly benefit amount from subsequent employers.

DECISION:

The representative's decision of December 30, 2005, reference 01, is modified in favor of the appellant. Roy Sanders is qualified for benefits provided he is otherwise eligible. However, the account of LA Leasing/Sedona Staffing shall not be charged with benefits paid to the claimant.

bgh/kjf