

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

GREG VAN WIE  
980 DRY RUN CREEK CT  
HIAWATHA IA 52233

WESTSTAFF USA INC  
c/o TALX UCM SERVICES INC  
PO BOX 283  
ST LOUIS MO 63166 0283

Appeal Number: 05A-UI-05727-DWT  
OC: 01/20/05 R: 03  
Claimant: Respondent (1)

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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

Weststaff USA, Inc. (employer) appealed a representative's May 17, 2005 decision (reference 03) that concluded Greg Van Wie (claimant) was qualified to receive unemployment insurance benefits, and the employer's account could be charged because the claimant's employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 20, 2005. The claimant participated in the hearing. Christopher Walters, a placement counselor, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, 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 his employment for reasons that qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant registered to work for the employer in September 2004. The employer is a temporary employment firm and assigns people to temporary jobs. The claimant's expertise is computer work. The employer assigned the claimant and other individuals to a computer-related job assignment on September 28, 2004. In November when the claimant learned this job would be ending in a few months, he asked Peggy Catcher, one of the employer's representatives, for another computer-related job assignment. The claimant then learned the employer did not specialize in computer-related jobs and it was unlikely the employer would have another assignment of this nature in the near future. The employer did not have any computer-related jobs available in November 2004. In late December 2004, the claimant received information that January 28, 2005 would be last day on his job assignment.

In late January 2005 after other employees told the claimant they had asked the employer about another computer-related assignment and the employer did not have any, the claimant did not ask the employer. On January 28, 2005, Catcher sent the claimant an email and offered him a job as an assembler on a factory line. The claimant sent her his response by indicating he was not interested because this was not his field of expertise. The employer did not have any computer-related jobs to assign the claimant when his job assignment ended on January 28, 2005.

The claimant established a claim for unemployment insurance benefits during the week of January 30, 2005.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. The claimant completed a job assignment on January 28, 2005. On January 28, 2005, the claimant had contact with the employer's representative who knew the claimant was interested in a computer-related job assignment. For all practical purposes, the claimant satisfied the requirements of Iowa Code §96.5-1-j. More importantly, the employer did not have any computer-related assignment to assign to the claimant in late January 2005.

The claimant's employment separation occurred for nondisqualifying reasons. Therefore, as January 30, 2005, the claimant is qualified to receive unemployment insurance benefits.

The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

DECISION:

The representative's May 17, 2005 decision (reference 03) is affirmed. The claimant's January 28, 2005 employment separation was for nondisqualifying reasons. As of January 30, 2005, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

dlw/tjc