

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HYDEE J BOECKER
Claimant

APPEAL NO. 09A-UI-19277-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TASKE FORCE INC
Employer

**Original Claim: 12/21/08
Claimant: Appellant (4)**

Section 96.5(1)d – Separation Due to Illness/Pregnancy

STATEMENT OF THE CASE:

Hydee Boecker filed an appeal from a representative's decision dated December 15, 2009, reference 05, which denied benefits based on her separation from Taske Force, Inc. After due notice was issued, a hearing was held by telephone on February 4, 2010. Ms. Boecker participated personally. The employer participated by Vanessa Kelly, Human Resources Director.

ISSUE:

At issue in this matter is whether Ms. Boecker was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Boecker began working for Taske Force, Inc., a temporary placement firm, on January 19, 2009. She was assigned to work full-time for Dadant. Her last day of work was February 13. Because she was spotting during her pregnancy, her doctor advised that she not lift more than ten pounds. Her job at Dadant required more extensive lifting.

Ms. Boecker notified Taske Force, Inc. that she could no longer perform the job at Dadant because of her restriction. The employer did not have other work available within her restriction and, therefore, she became separated from the employment on February 16, 2009. Her baby was born on September 17 and she re-offered her services to the employer during the week beginning November 16.

REASONING AND CONCLUSIONS OF LAW:

Ms. Boecker was hired for placement in temporary work assignments. An individual so employed must complete her last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19), (22). Ms. Boecker left her assignment with Dadant before it was completed and, therefore, her separation of February 16, 2009 was a quit. An individual

who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1).

Ms. Boecker left her assignment as she could no longer perform her job because of lifting restrictions imposed as a result of her pregnancy. Under such circumstances, she would not be eligible to receive job insurance benefits until she had the baby and was released to return to work, provided the employer had no suitable comparable work available at that time. Iowa Code section 96.5(1)d. Ms. Boecker's baby was born on September 17 and she re-offered her services to Taske Force, Inc. the week of November 16. Inasmuch as no work was available when she re-offered her services, benefits are allowed as of the Sunday of the week in which her services were offered, November 15, 2009.

DECISION:

The representative's decision dated December 15, 2009, reference 05, is hereby modified. Ms. Boecker is denied benefits effective February 16, 2009 as she left her employment because of pregnancy and not for any cause attributable to the employer. Benefits are allowed effective November 15, 2009, provided she is otherwise eligible, as she re-offered her services to Taske Force, Inc. but no work was available.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw