

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTTIE L DAVIS

Claimant

APPEAL NO. 14A-UI-01105-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC

Employer

OC: 12/15/13

Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated January 24, 2014, reference 02, which denied unemployment insurance benefits. After due notice was provided, a hearing was held on February 20, 2014. Claimant participated. Although duly notified, the employer did not participate.

ISSUE:

The issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Scottie Davis applied for and accepted a one-day assignment with Labor Ready Midwest, Inc. on December 18, 2013. Mr. Davis only desired to work a one-day assignment and informed the temporary employment service in advance. Mr. Davis completed the one-day assignment as agreed between the parties. Mr. Davis did not agree to re-contact the temporary service or to make himself available for the other job assignments as his intention was to work only a one-day assignment for the company.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall

be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

In the case at hand the evidence in the record establishes that Mr. Davis was employed only on a temporary basis agreeing only to work one day in a spot job for Labor Ready Midwest, Inc. and fulfilled the contract of hire at the completion of his work on December 18, 2013. The claimant is not considered to have voluntarily quit his employment with Labor Ready Midwest, Inc. as he completed the contract of hire on December 18, 2013 and had no further obligation to request or report for new assignments. Benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The representative's decision dated January 24, 2014, reference 02, is reversed. Claimant did not quit employment under disqualifying conditions. Claimant completed the contract of hire and is not subject to a benefit disqualification. Benefits are allowed, providing the claimant is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs