

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JERRY W HOOPER**  
Claimant

**APPEAL NO. 13A-UI-10810-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DES STAFFING SERVICES INC**  
Employer

**OC: 07/28/13**  
**Claimant: Appellant (2)**

Section 96.5-12-a- Discharge

**STATEMENT OF THE CASE:**

The claimant appealed from a representative's decision dated September 19, 2013, reference 01, that held he voluntary quit without good cause on August 2, 2013, and benefits are denied. A telephone hearing was held on October 16, 2013. The claimant participated. Stacy Navarro, HR representative, and Alexa Harris, Recruiter, participated for the employer. Employer Exhibit One was received as evidence.

**ISSUE:**

Whether claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds that: The claimant began a work assignment at Custom Pak on January 18, 2013 as a full-time laborer, and he signed an employer policy that provides he must seek re-assignment within three days of job completion. The claimant last worked on the assignment at Custom Pak on July 30. He was terminated for poor work performance.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The administrative law judge concludes employer failed to establish claimant was discharged for misconduct on July 30, 2013.

Claimant was terminated from the work assignment for poor work performance he did not complete it. Iowa Code section 96.5-1-j applies when a work assignment is completed not where an employee is terminated. There is no evidence of job disqualifying misconduct.

**DECISION:**

The department decision dated September 19, 2013, reference 01, is reversed. The claimant was not discharged for misconduct on July 30, 2013. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs