

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANTHONY F VILLALOBOS**  
Claimant

**APPEAL NO. 07O-UI-07920-SWT**

**ADMINISTRATIVE LAW JUDGE  
AMENDED DECISION**

**USA STAFFING INC**  
**LABOR WORLD OF IOWA**  
Employer

**OC: 05-20-07 R: 02**  
**Claimant: Respondent (2)**

Section 96.5-1- Voluntary Quit

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated June 13, 2007, reference 01, that concluded the claimant had contacted the employer within three days after completing a job assignment and was qualified to receive benefits. A telephone hearing was held on August 4, 2007. Proper notice of the hearing was given to the parties. The claimant failed to participate in the hearing. Jeff Oswalt participated in the hearing on behalf of the employer with a witness, Hawkeye Caramazza. Exhibit One, consisting of the claimant's payroll records, was submitted by the employer after the hearing and is admitted into evidence. This decision is amended to eliminate the overpayment established in the earlier decision, which should not have been imposed under 871 IAC 23.43(3).

**ISSUES:**

Did the claimant leave work voluntarily with good cause attributable to the employer?

**FINDINGS OF FACT:**

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer on a long-term full-time assignment at Montezuma Manufacturing from November 6, 2006, to early April 2007. The claimant was informed and understood that under the employer's work rules, regular attendance was required and employees were required to notify the employer and the client business if they were not able to work as scheduled.

The claimant was absent from work without any notice to the employer or the client business April 9, 10, and 11. Since he was absent from work without notice, the employer considered him to have abandoned his job. The claimant has not had any further contact with the employer afterward.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code section 96.5-1 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.

The evidence establishes the claimant voluntarily quit employment without good cause attributable to the employer, since he was absent for work on April 9, 10, and 11 without any notice to the employer and never contacted the employer again.

**DECISION:**

The unemployment insurance decision dated June 13, 2007, reference 01, is reversed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer is not chargeable for benefits paid to the claimant.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw