

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAMES LAKE**  
Claimant

**APPEAL NO. 11A-UI-14768-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EZ PAYROLL & STAFFING SOLUTIONS  
LLC**  
Employer

**OC: 10/16/11  
Claimant: Appellant (5)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated November 8, 2011, reference 02, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on December 8, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Brittany Ray participated in the hearing on behalf of the employer with a witness, Bella Jorgensen.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked from February 14, 2011, to May 13, 2011, on an assignment as a machine operator at ALPLA Company. The claimant was informed and understood that under the employer's work rules, and employees were required to notify the employer if they were not able to work as scheduled.

The claimant left work early on May 13, 2011, because he had to go to Colorado to deal with a personal situation involving the mother of his son. The claimant called off work on May 16 and 17. On May 17, while he was returning to Iowa, he was pulled over by the police and arrested for having a revoked license in Nebraska. He was lodged in jail because there was an outstanding warrant in Texas. After he was released from jail, he was stranded in Grand Island, Nebraska for a few weeks, because his rental car was impounded and he did not have enough money to get it out. He eventually got a ride to Sioux City but was arrested and jailed in Sioux City for about three weeks. He eventually returned to his home in Iowa City.

The claimant had no contact with the employer after May 17, 2011, and on May 20, 2011, the employer terminated the claimant's employment based on his unreported absences. When the claimant got back to Iowa City, he contacted someone with ALPLA Company but not anyone with the employer.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code § 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. Mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith errors in judgment or discretion are not misconduct within the meaning of the statute. 871 IAC 24.32(1).

The claimant's unexcused absences and failure to contact the employer after May 17 were willful and material breaches of the duties and obligations to the employer and a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case.

**DECISION:**

The unemployment insurance decision dated November 8, 2011, reference 02, is modified with no change in the outcome of the case. The claimant was discharged for work-connected misconduct. 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.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css