

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOEY M GONZALES
Claimant

APPEAL NO. 10A-UI-03481-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING
Employer

**Original Claim: 01/24/10
Claimant: Respondent (2)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Sedona Staffing filed an appeal from a representative's decision dated February 22, 2010, reference 02, which held that no disqualification would be imposed regarding Joey Gonzales' separation from employment. After due notice was issued, a hearing was held by telephone on April 27, 2010. The employer participated by Colleen McGuinty, Unemployment Benefits Administrator, and Ronda Stout, Branch Manager. Mr. Gonzales did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Mr. Gonzales 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: Mr. Gonzales began working through Sedona Staffing, a temporary placement firm, in October of 2007. He was on an assignment with Plastic Products Company when he last worked on June 23, 2009. He was to start a new shift on June 24 but did not report or call beforehand. He notified Sedona Staffing on June 24 that he would be unable to continue the assignment because he did not have transportation. Continued work on the assignment would have been available if he had been able to report. Mr. Gonzales has not been in contact with Sedona Staffing at any point since June 24, 2009.

REASONING AND CONCLUSIONS OF LAW:

Mr. Gonzales was hired for placement in temporary work assignments. An individual so employed must complete his last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19), (22). Since Mr. Gonzales did not complete his assignment with Plastic Products Company, his separation of June 24, 2009 is a voluntary 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).

Mr. Gonzales left his assignment because he did not have transportation to and from work. An individual who leaves work because of lack of transportation is presumed to have left without good cause attributable to the employer. 871 IAC 24.25(1). Since no other reason has been given for the separation, Mr. Gonzales is not entitled to job insurance benefits. No overpayment results from this reversal of the prior allowance, as he has not been paid benefits on the claim.

DECISION:

The representative's decision dated February 22, 2010, reference 02, is hereby reversed. Mr. Gonzales voluntarily quit his employment with Sedona Staffing on June 24, 2009 for no good cause attributable to the employer. Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw