

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

DAVID L BRANSON
818 – 4TH AVE N
FT DODGE IA 50501-3922

ADECCO USA INC
c/o FRICK UC EXPRESS
PO BOX 66736
ST LOUIS MO 63166-6736

Appeal Number: 06A-UI-03567-HT
OC: 02/12/06 R: 01
Claimant: Respondent (4)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1)g – Quit/Requalification

STATEMENT OF THE CASE:

The employer, Adecco, filed an appeal from a decision dated March 15, 2006, reference 02. The decision allowed benefits to the claimant, David Branson. After due notice was issued, a hearing was held by telephone conference call on April 18, 2006. The claimant provided a telephone number of (515) 571-8968. That number was contacted by the conference operator and the only response was a voice mail. A message was left indicating the call was for the 10:00 a.m. unemployment hearing. By the time the record was closed at 10:07 a.m., the claimant had not contacted the Appeals Section and did not participate. The employer participated by Office Supervisor Mary Gaffney and was represented by UC Express in the person of Tanis Burrell.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: David Branson was employed by Adecco from September 20, 2004 until October 1, 2005. During that time he had only one assignment at FedEx.

The assignment ended on October 1, 2005, but the claimant did not contact the employer for another assignment. Adecco is unaware whether Mr. Branson was hired by FedEx but the records of Iowa Workforce Development indicate he earned wages from FedEx in the third quarter of 2005 in the amount of \$3,593.00. His weekly benefit amount is \$174.00.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is not.

Iowa Code section 96.5-1-g 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. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The claimant quit his employment with Adecco by failing to contact the employer within three working days of the end of his last assignment. This is a voluntary quit under the provisions of Iowa Code chapter 96.5(1)j. However, Mr. Branson has requalified by earning ten times his weekly benefit amount subsequent to that separation but prior to filing his claim for benefits.

DECISION:

The representative's decision of March 15, 2006, reference 02, is modified in favor of the appellant. David Branson is qualified for benefits, provided he is otherwise eligible. However, the account of Adecco shall not be charged with benefits paid to the claimant.

bgh/kkf