

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICHARD BOWLING
Claimant

APPEAL NO: 08A-UI-00938-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 07-01-07 R: 04
Claimant: Respondent (1)

871 IAC 24.26(19) – Separations Not Considered to be a Voluntary Quit

STATEMENT OF THE CASE:

The employer filed a timely appeal from the January 25, 2008, reference 05, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on February 19, 2008. The claimant participated in the hearing. Colleen McGuinty, Unemployment Benefits Administrator, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant is able and available for work and whether he is still employed at the same hours and wages.

FINDINGS OF FACT:

The claimant was employed as a full-time worker for L A Leasing last assigned at Holy Family Catholic School from November 19, 2007 to January 25, 2008. It was a "temp to hire" position and the client hired the claimant at the end of the assignment. He filed for benefits for the week of Christmas and New Year's because he only worked three days for the school during those holiday weeks.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant completed his assignment and elected not to seek reassignment.

871 IAC 24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed.

An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

The claimant was placed in a "temp to hire" position and the client hired him as a full-time employee. He completed his assignment and consequently did not seek further assignments from the employer. His decision not to report for further assignments is not considered a voluntary leaving of employment. The claimant reopened his claim because he was working shortened work weeks for two weeks during the Christmas and New Year's holidays but is able and available for his regular work hours. Benefits are allowed.

DECISION:

The January 25, 2008, reference 05, decision is affirmed. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs