

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
eab.iowa.gov**

MARRITTER D SHAR

Claimant

and

REMEDY INTELLIGENT STAFFING INC

Employer

: **APPEAL NUMBER: 24B-UI-02866**
: **ALJ HEARING NUMBER: 24A-UI-02866**
:
: **EMPLOYMENT APPEAL BOARD**
: **DECISION**
:
:

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

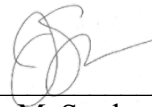
A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-2 96.5-1

DECISION

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The Employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board, with one member dissenting, finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.



James M. Strohman



Ashley R. Koopmans

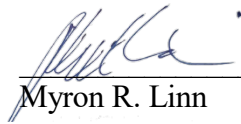
DISSENTING OPINION OF MYRON R. LINN:

I respectfully dissent from the majority decision of the Employment Appeal Board. I would reverse the administrative law judge's decision and find the Claimant is not eligible for unemployment insurance benefits.

The Employer in this case was a third-party temporary business which employed Claimant beginning in 2022. Claimant's assignment with the Employer's client was terminated on February 05, 2024, due to reduction of work.

The Employer notified the Claimant of the end of the assignment and informed her that there were no additional work assignments at that client's business. They had multiple discussions on that day. It was clear from the conversations that the Claimant did not wish to take another assignment, but would consider being reassigned if another position with that particular client was available.

At the end of the conversation, the Employer representative made a good will comment to the Claimant to have "good luck." This was not a mocking comment nor a statement that the Claimant was terminated, yet the Administrative Law Judge ("ALJ") determined the "good luck" comment was termination of employment from the Employer. In the audio recording of the hearing, with 20 minutes and 30 seconds of testimony left, the ALJ asked the Claimant if she had asked for another assignment. The answer was clear when the Claimant said "No". I would find the Claimant did not request an assignment within the 3-day period following the end of the temporary work assignment and voluntarily quit her employment without good cause attributable to the Employer.


Myron R. Linn

SRC/mes
DATED AND MAILED May 3, 2024