

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIM SCHNECKLOTH
Claimant

APPEAL NO: 09A-EUCU-00447-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CAMBRIDGE TEMPOSITIONS INC
Employer

OC: 03/08/09
Claimant: Appellant (2)

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

The claimant appealed a representative's November 12, 2009 decision (reference 02) that concluded he was not qualified to receive benefits, and the employer's account was not subject to charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. A telephone hearing was held on December 28, 2009. The claimant participated in the hearing with his sister, Nancy Schneckloth, as a witness. Anna Martinez, a branch manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The employer, a temporary employment firm, assigned the claimant to a job at Syngenta Seeds on September 11, 2009. The claimant and his sister both worked at this seasonal job sorting corn. On his way to work on October 14, the claimant's vehicle broke down. He could not get a ride from his sister because she was already at work. The claimant notified the employer he was unable to work on October 14 because his vehicle broke down on the way to work.

On October 15, the employer asked Nancy to contact the claimant because he was not on the list to work that day. The work at Syngenta Seeds was almost done. Although the claimant's vehicle was working on October 15, he did not report to work because he was called and told he was not on the list anymore. The employer started laying off workers that week. Nancy and some other people worked until October 19, Monday, at which time they were also laid off from work.

Although the claimant remembered calling the employer during the week of October 19 to see if the employer had any other assignments for him, the next time the employer's records indicate

the claimant called was October 28. On October 28, the claimant gave the employer information as to where to mail his last paycheck.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code sections 96.5-1, 2-a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code section 96.5-1-j.

The facts establish the employer understood the claimant had quit when he was not able to report to work on October 14. The employer started laying off people the week of October 12 because the job at Syngenta Seeds was almost finished. On October 19, all the work at Syngenta Seeds had been completed and any remaining employees were laid off as of that date. The employer laid off the claimant on October 15. The facts do not establish that Iowa Code section 96.5-1 j applies in this case.

A preponderance of the evidence establishes the employer laid off the claimant on October 15, 2009, because of a lack of work. Since the claimant did not quit and was not discharged for work-connected misconduct, he remains eligible to receive benefits as of October 11, 2009.

The employer is not one of the claimant's base period employers and will not be charged during the claimant's current claim.

DECISION:

The representative's November 12, 2009 decision (reference 02) is reversed. The claimant was laid off from a seasonal job due to a lack of work. As of October 11, 2009, the claimant remains qualified to receive benefits, provided he meets all other eligibility requirements. During the claimant's current claim, the employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs