

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT O ABOLINS
Claimant

APPEAL NO: 18A-UI-02692-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MIDWEST PROFESSIONAL STAFFING LLC
Employer

OC: 08/27/17
Claimant: Respondent (1)

Section 96.5(1) – Voluntary Leaving
871 IAC 24.26(19 & 22) – Voluntary Leaving

STATEMENT OF CASE:

The employer filed a timely appeal from the February 19, 2018, reference 07, 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 March 26, 2018. The claimant provided a phone number prior to the hearing but was not available at that number at the time of the hearing and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Liz Wilkinson, Administrative Manager; Kylie Ladely, Recruiter; and Keelie Fisher, Staffing Manager, participated in the hearing on behalf of the employer. Employer's Exhibits A through G were admitted into evidence.

ISSUE:

The issue is whether the claimant voluntarily left his employment.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time customer service representative for Midwest Professional Staffing, LLC, last assigned to YRC Freight from December 4, 2017 to January 12, 2018. The claimant's assignment ended because the client did not feel the claimant was a good fit for the position. The employer notified the claimant of the end of the assignment after work January 12, 2018.

The issue of whether the claimant made a timely request for another job assignment was not included on the hearing notice. That issue will be scheduled for an appeal hearing following due notice to the parties.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation was not disqualifying.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The claimant was not a "good fit" for the job according to the client and consequently the employer notified the claimant his assignment was over. There is no evidence establishing misconduct on the part of the claimant because failure to work to the employer's expectations is not considered disqualifying job misconduct as that term is defined by Iowa law. Therefore, benefits are allowed.

The issue of whether the claimant made a timely request for another job assignment will be rescheduled for an appeal hearing by the Appeals Bureau following due notice to the parties.

DECISION:

The February 19, 2018, reference 07, decision is affirmed. Benefits are allowed, provided the claimant is otherwise eligible. The issue of whether the claimant made a timely request for another job assignment will be scheduled for a hearing by the Appeals Bureau after due notice is given to the parties.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn