

**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**

**ROBERT L READUS
APT B4
902 N DODGE ST
IOWA CITY IA 52245-5914**

**LABOR READY MIDWEST INC
ATTN PAYROLL TAX DEPT
PO BOX 2910
TACOMA WA 98401-2910**

**Appeal Number: 06A-UI-01404-HT
OC: 01/01/06 R: 03
Claimant: Appellant (1)**

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) - Quit

STATEMENT OF THE CASE:

The claimant, Robert Readus, filed an appeal from a decision dated January 31, 2006, reference 02. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on February 22, 2006. The claimant participated on his own behalf. The employer, Labor Ready, participated by Branch Manager Dixie Derby.

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: Robert Readus began working for Labor Ready on

June 13, 2005. His last assignment began on November 28, 2005 at McComas, as an observer. The last day the claimant worked was Friday, December 16, 2005. He was no-call/no-show to work after that even though the assignment was ongoing. McComas supervisor, Jeff, called Branch Manager Dixie Derby on December 19, 2005, to ask why Mr. Readus was not at work. Attempts were made to call him but all the employer could do was leave a voice mail message which he never returned. Labor Ready was not able to find a replacement for the claimant and lost that temporary position when McComas had to substitute one of its own employees as an observer at the location assigned to the claimant.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is.

Iowa Code Section 96.5-1 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.

The record establishes the claimant could have continued working at that assignment but he did not appear for work after December 16, 2005. Mr. Readus maintained he had reported to the job site but was sent home by the supervisor. The administrative law judge does not find this to be credible because the very supervisor the claimant says sent him home is the one who contacted the branch manager to ask why he was not at work.

Attempts by the employer to contact Mr. Readus after the client company reported his absence did not result in the claimant returning the calls. This must be considered job abandonment and there is nothing in the record to indicate the claimant had good cause attributable to the employer for quitting. He is disqualified.

DECISION:

The representative's decision of January 31, 2006, reference 02, is affirmed. Robert Readus is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount provided he is otherwise eligible.

bgh/s