

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RAYMOND L WEBER
Claimant

APPEAL NO. 14A-UI-01667-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

OC: 01/05/14
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit
871 IAC 24.26(19) – Voluntary Quitting – Spot Jobs/Casual Labor
871 IAC 24.26(22) – Voluntary Quitting – Specific Period of Time

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated February 3, 2014, reference 03, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on March 6, 2014. The claimant participated personally. The employer notified the agency in writing that it would not be participating. The record consists of the testimony of Raymond Weber.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a temporary staffing agency. The claimant is presently working off and on for the employer. On December 14, 2013, the claimant was assigned a job of holding a sign outdoors. It was very cold and the claimant became ill. He told the employer that he had to go home. The claimant was placed on a two-week suspension for walking off the job. He has since returned to work for the employer.

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.26(19) and (22) provide:

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.

(22) The claimant was hired for a specific period of time and completed the contract of hire by working until this specific period of time had lapsed. 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 employees shall be considered to have voluntarily quit employment.

The claimant is eligible for unemployment insurance benefits. The claimant did quit his job but he did so because he was working outside and he became ill. He could not physically complete the job. This is considered to be quitting with good cause attributable to the employer. No disqualification will be imposed.

DECISION:

The decision of the representative dated February 3, 2014, reference 03, is reversed. Unemployment insurance benefits are allowed, if the claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css