

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEYLIS RODRIGUEZ
Claimant

APPEAL NO. 16A-UI-09973-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMBRANDT ENTERPRISES INC
Employer

OC: 08/28/16
Claimant: Respondent (2R)

Iowa Admin. Code r. 871-24.23(26) – Part-Time Worker – Same Wages and Hours
Iowa Code § 96.4-3 – Able and Available
Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated September 8, 2016, reference 03, which held claimant able and available for work. After due notice, a hearing was scheduled for and held on September 28, 2016. Claimant participated personally. Employer participated by Pamela Winkel and Lori Karr. Claimant failed to respond to the hearing notice and did not participate. Employer's exhibits 1-2 were admitted into evidence

ISSUES:

Whether claimant is still employed at the same hours and wages and partially unemployed?

Whether claimant quit for good cause attributable to employer?

FINDINGS OF FACT:

Claimant was hired by employer for a temporary full time position. Claimant's position was to run from October 1, 2015 through early January 2016. Claimant last worked for employer on December 19, 2015. Claimant had no further contact with her employer. Claimant did not tell employer why she would not be returning to work.

Employer had ongoing work available for claimant at the time of claimant's quit of her employment. Not only did employer have weeks of additional work available through the original terms of hire, but employer hired many permanent employees from those temporary workers hired with claimant.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit was not for good cause attributable to employer. As employer had ongoing work available for claimant, and it is unknown why claimant quit her employment, there has not been good cause shown. Benefits are denied.

DECISION:

The September 8, 2016, reference 03, decision is reversed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible. This matter is remanded to the fact finder to determine whether claimant has been overpaid unemployment benefits.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs