

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATTHEW R YODER
Claimant

APPEAL NO. 12A-UI-10896-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

OC: 06/24/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated August 31, 2012, reference 02, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on October 4, 2012. Claimant participated. Participating on behalf of the employer was Ms. Heidi Whited.

ISSUE:

The issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Matthew Yoder was employed by Labor Ready Midwest, Inc. beginning in April 2012. At the time the claimant applied for employment he signed an agreement to contact the temporary employment service within three working days after the completion of each assignment to establish his availability for additional work.

Mr. Yoder's most recent assignment with Labor Ready Midwest was a one-day assignment on April 14, 2012. Mr. Yoder did not make himself available for additional assignments because of personal obligations related to his son's baseball training. Mr. Yoder indicated that he was quitting employment because of his personal obligations. Claimant did not re-contact Labor Ready Midwest within three working days to establish availability. Claimant was thus considered to have voluntarily quit his employment.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes that the claimant left employment with good cause attributable to the employer. It does not.

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.

Iowa Code section 96.5-1-j 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, but the individual shall not be disqualified if the department finds that:

j. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm of completion of an employment assignment and who seeks reassignment. Failure of the individual to notify the temporary employment firm of completion of an employment assignment within three working days of the completion of each employment assignment under a contract of hire shall be deemed a voluntary quit unless the individual was not advised in writing of the duty to notify the temporary employment firm upon completion of an employment assignment or the individual had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter.

To show that the employee was advised in writing of the notification requirement of this paragraph, the temporary employment firm shall advise the temporary employee by requiring the temporary employee, at the time of employment with the temporary employment firm, to read and sign a document that provides a clear and concise explanation of the notification requirement and the consequences of a failure to notify. The document shall be separate from any contract of employment and a copy of the signed document shall be provided to the temporary employee.

For the purposes of this paragraph:

(1) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their work force during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(2) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

In this matter the evidence in the record establishes that Mr. Yoder voluntarily quit his employment with Labor Ready Midwest, Inc. due to personal obligations. While the claimant's reasons for quitting his employment were undoubtedly good from his personal viewpoint, they were not good cause reasons attributable to the employer. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated August 31, 2012, reference 02, is affirmed. Claimant quit employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs