

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARCIA SHAFER

Claimant

APPEAL NO: 14A-UI-00194-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

R J PERSONNEL INC

TEMP ASSOCIATES

Employer

OC: 12/01/13

Claimant: Respondent (4)

Iowa Code § 96.5(1)g - Voluntary Leaving/Requalification

STATEMENT OF THE CASE:

Temp Associates (employer) appealed an unemployment insurance decision dated January 2, 2014, reference 03, which held that Marcia Shafer (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 29, 2014. The claimant participated in the hearing. The employer participated through Account Managers Jennifer Bermel and Christine Fear. Employer's Exhibits One and Two were admitted into evidence.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time general laborer assigned to Hon Geneva from November 20, 2012, through March 26, 2013, when she effectively quit. Her last day of work was on February 26, 2013, after which she did not work due to a non-work-related medical condition. The employer never received any medical excuses but was willing to work with the claimant.

The claimant was expected to return to work on March 18, 2013, but failed to do so. Her supervisor at Hon sent the employer an email on March 23, 2013, stating that she did not call or show up to work that week so would need to be replaced.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. It is her burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2.

The claimant contends she was discharged on March 15, 2013, but the evidence does not support that contention. She failed to return to work and the employer finally had to replace her on March 26, 2013.

Iowa Code section 96.5-1-g 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:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

However, the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The unemployment insurance decision dated January 2, 2014, reference 03, is modified in favor of the appellant. The claimant has requalified for benefits since the disqualifying separation. Benefits are allowed, provided she is otherwise eligible. The employer's account shall not be charged.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs