

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARIO H MELENDEZ
Claimant

APPEAL NO. 11A-UI-00428-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

**OC: 11/21/10
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Mario Melendez filed an appeal from a representative's decision dated January 7, 2011, reference 04, which denied benefits based on his separation from Temp Associates. After due notice was issued, a hearing was held by telephone on February 15, 2011. Mr. Melendez participated personally. The employer participated by Judy Rebik,. Ike Rocha participated as the interpreter.

ISSUE:

At issue in this matter is whether Mr. Melendez was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Melendez began working through Temp Associates, a temporary placement firm, on November 15, 2010. He was released from his assignment with Marshalltown Company on November 22, 2010 due to lack of work.

On December 3, Mr. Melendez accepted an assignment with Lennox Industries. The assignment was to start on December 6 and last from three to four weeks. It paid \$10.00 per hour for a 40-hour workweek. He did not appear for the assignment as scheduled and did not contact either Lennox Industries or Temp Associates. Temp Associates attempted to reach him to find out why he was not at work but only got his answering machine. He did not respond to the message left for him. Temp Associates has had no contact with Mr. Melendez since December 3, 2010.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that Mr. Melendez abandoned his job when he failed to report for his assignment with Lennox Industries on December 6, 2010. His contention that he did not understand what Temp Associates was offering him on December 3 was not credible in light of the fact that he had been able to communicate successfully with the employer in the past

despite any language barrier. For the above reasons, the separation is considered a voluntary quit. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1).

The evidence of record does not establish any good cause attributable to the employer for Mr. Melendez' quit from the assignment with Lennox Industries. As such, it constituted a disqualifying separation and benefits are denied.

DECISION:

The representative's decision dated January 7, 2011, reference 04, is hereby affirmed. Mr. Melendez voluntarily quit employment with Temp Associates on December 6, 2010 without good cause attributable to the employer. Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css