

STATE OF MICHIGAN  
MICHIGAN COMPENSATION APPELLATE COMMISSION

In the Matter of the Claim of

PAMELA DEJARNETTE,

Appeal Docket No.: B2013-07161-238484

Claimant

Social Security No.: 371-70-5514

HR STAFFING TEAM LLC,

Employer

DECISION OF MICHIGAN COMPENSATION APPELLATE COMMISSION

This case is before the Michigan Compensation Appellate Commission (Commission) as a result of the employer's July 18, 2013 appeal from a June 21, 2013 Administrative Law Judge (ALJ) decision. The decision reversed a May 17, 2013 Unemployment Insurance Agency (Agency) determination and found the claimant is not disqualified for benefits under the voluntary leaving provision of the Michigan Employment Security (MES) Act, Section 29(1)(a). After reviewing the record, we affirm.

The employer must first establish that a claimant voluntarily left employment before a matter can be addressed under Section 29(1)(a) of the MES Act. See *Ackerberg v Grant Community Hospital*, 138 Mich app 295 (1984). In the instant matter, the claimant worked for a staffing agency. Because of difficulties she was experiencing, the claimant notified the employer she would no longer report to her last assignment and requested another. The employer told the claimant no other assignments were currently available at which point the claimant filed for benefits.


The claimant did not voluntarily leave her employment. She left an assignment. Therefore, Section 29(1)(a) is inapplicable. However, since the claimant left an assignment and that work remained available to her, the claimant may be subject to offset under the lost remuneration provision of the MES Act, Section 48(1). We will refer this matter to the Agency for determination under that provision.

For the reasons stated above, the ALJ's June 21, 2013 decision is affirmed.


For the reasons stated above, the claimant is not disqualified for benefits under the voluntary leaving provision of the MES Act, Section 29(1)(a).

The claimant may receive benefits if otherwise eligible and qualified.

This matter is referred to the Agency for determination under the lost remuneration provision of the MES Act, Section 48(1).

  
George H. Wyatt, Commissioner

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Jack F. Wheatley, Chair

  
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Gary Goolsby, Commissioner

MAILED AT LANSING, MICHIGAN

AUG 26 2013

This decision shall be final unless EITHER (1) the Michigan Compensation Appellate Commission RECEIVES a written request for rehearing on or before the deadline, OR (2) the appropriate circuit court RECEIVES an appeal on or before the deadline. The deadline is:

SEP 25 2013

**TO PROTECT YOUR RIGHTS, YOU MUST BE ON TIME.**