

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHERI M MOORES**

Claimant

**APPEAL NO. 09A-UI-15006-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC – SEONDA STAFFING**

Employer

**OC: 01/11/09**

**Claimant: Respondent (1)**

Section 96.4(3) – Able and Available

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Sedona Staffing (Sedona) filed an appeal from a representative's decision dated August 17, 2009, reference 02, which held that no disqualification would be imposed regarding Sheri Moores' separation from employment. After due notice was issued, a hearing was held by telephone on November 23, 2009. Ms. Moores participated personally. The employer participated by Chad Baker, Workers Compensation Administrator, and Kelly Rankin, Account Manager.

**ISSUE:**

At issue in this matter is whether Ms. Moores 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: Ms. Moores was employed by Timberline Manufacturing from September of 2007 until June of 2008. Her work during this time frame was not through a temporary placement service. In approximately May of 2009, Timberline contacted her and asked her to return to work and she agreed to do so. After she accepted the work, she was notified that she had to go through Sedona, which she did.

Ms. Moores was absent from work on two days prior to June 23 when she was absent due to outpatient surgery. Her last day at work was June 29. She underwent a second surgery on July 6 and was released to return to work on July 9. She contacted her supervisor at Timberline on July 9 and was told to call back on July 13 regarding the availability of work. When Ms. Moores called Timberline on July 13, she was told no work was available. She contacted the supervisor on July 20 and was again told no work was available. Ms. Moores did not seek further work through Sedona.

**REASONING AND CONCLUSIONS OF LAW:**

Although Ms. Moores was considered a Sedona employee as of May 4, 2009, she did not seek Sedona out as an employer. She did not initiate contact with Sedona for the purpose of being placed in work assignments. She had a good-faith belief that she was being rehired by her former employer, Timberline, given the fact that she was contacted by Timberline directly about returning. It was only after she agreed to return that she was notified that she would have to work through Sedona. For the above reasons, the administrative law judge feels it is inappropriate to hold Ms. Moores to the same standards as one would of an individual who signs on with a temporary placement firm with full knowledge that they are being hired for temporary placements with various employers. In short, she was not a temporary employee within the intent and meaning of Iowa Code section 96.5(1)j.

The administrative law judge concludes that Ms. Moores completed her work with Timberline as she worked until work was no longer available for her. Having concluded that she was not a temporary employee within the meaning of section 96.5(1)j, it is further concluded that she was not required to continue seeking work through Sedona after the work with Timberline ended. As such, her separation of July 13, 2009 was not a disqualifying event.

**DECISION:**

The representative's decision dated August 17, 2009, reference 02, is hereby affirmed. Ms. Moores was separated from Sedona on July 13, 2009 for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs