

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTT M BAUM

Claimant

APPEAL NO: 12A-UI-00813-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC

Employer

OC: 12/04/11

Claimant: Respondent (1)

Iowa Code § 96.5(1)j – Completion of a Temporary Job Assignment

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's January 13, 2012 determination(reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant completed a temporary assignment and made a timely request for another assignment. The claimant participated in the hearing. Holly Carter, an unemployment insurance specialist, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant qualified to receive benefits.

ISSUE:

Did the claimant complete a temporary job assignment and make a timely request about another assignment?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant registered to work for the employer's clients on September 20, 2011. The claimant started a job assignment that same day. The claimant completed the job assignment on October 6, 2011. The claimant contacted the employer the afternoon of October 6, 2011, and asked if the employer had another job for him. The employer's representative indicated the employer did not have another job at that time. The claimant established a claim for benefits during the week of December 4, 2011.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the

individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5(1)j.

The facts establish the claimant satisfactorily completed a temporary job assignment on October 6. The claimant talked to the employer's representative on October 6, not the employer's witness, and asked about another job assignment. Since the person the claimant talked to did not testify at the hearing, his testimony that he was told the employer did not have another job to assign to him on October 6, 2011, is credible. The claimant satisfied the requirements of the Iowa Code § 96.5(1)j. This means that, based on the reasons for this employment separation, the claimant is qualified to receive benefits.

The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

DECISION:

The representative's January 13, 2011 determination (reference 01) is affirmed. The claimant did not voluntarily quit his employment and the employer did not discharge him for work-connected misconduct. Based on the reasons for this employment separation, the claimant is qualified to receive benefits as of December 4, 2011. During the claimant's current benefit year, the employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw