

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

WENDIE K LEEPER
1127 – 185TH AVE
MAQUOKETA IA 52060

L A LEASING INC - SEDONA STAFFING
612 VALLEY DR
MOLINE IL 61265

Appeal Number: 06A-UI-00496-CT
OC: 12/04/05 R: 04
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Sedona Staffing filed an appeal from a representative's decision dated January 9, 2006, reference 02, which held that no disqualification would be imposed regarding Wendie Leeper's separation from employment. After due notice was issued, a hearing was held by telephone on January 31, 2006. Ms. Leeper participated personally. The employer participated by Andrea Fuller, Branch Manager, and Colleen McGuinty, Unemployment Insurance Administrator.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: On March 8, 2005, Sedona Staffing placed

Ms. Leeper in a long-term assignment with Plasti Paint where she worked full-time hours. She was notified on December 1 that the assignment was over due to lack of work. It was anticipated that she might be recalled in approximately two weeks.

Ms. Leeper's next contact with Sedona Staffing was on December 9 when she came to get her paycheck. The employer has not had any work available for which Ms. Leeper is qualified since her prior assignment ended.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Leeper was separated from employment for any disqualifying reason. She was hired for placement in temporary work assignments. An individual so employed must complete her last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Ms. Leeper completed her last assignment and, as such, the separation of December 1, 2005 was not a disqualifying event.

Ms. Leeper did not seek reassignment within three working days of December 1. However, the employer testified that no work has been available for her at any point since December 1. The provisions of Iowa Code section 96.5(1)j presuppose that, but for failing to seek reassignment, an individual would have been placed in a new assignment. The administrative law judge is not inclined to disqualify an individual for failing to seek reassignment if seeking reassignment would have been futile. Since no work would have been available for Ms. Leeper if she had sought reassignment within three days, no disqualification is imposed.

DECISION:

The representative's decision dated January 9, 2006, reference 02, is hereby affirmed. Ms. Leeper was separated from employment on December 1, 2005 for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/pjs