

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFREY A ANDREW
Claimant

APPEAL NO. 10A-UI-05133-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 12/20/09
Claimant: Appellant (2)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Jeffrey Andrew filed an appeal from a representative's decision dated March 26, 2010, reference 02, which denied benefits based on his separation from Express Services, Inc. (ESI) After due notice was issued, a hearing was held by telephone on May 20, 2010. Mr. Andrew participated personally. The employer opted not to participate.

ISSUE:

At issue in this matter is whether Mr. Andrew 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. Andrew was employed by ESI, a temporary placement firm, from November until December 31, 2009. He had only one assignment and worked full time at Eagle Windows and Doors. He was notified by ESI on December 31 that he was not to return to the assignment as no further work was available.

Mr. Andrew began school attendance on January 13, 2010. Iowa Workforce Development has allowed him Division Approved Training (DAT) for the period January 10 through May 15, 2010.

REASONING AND CONCLUSIONS OF LAW:

Mr. Andrew was hired for placement in temporary work assignments. An individual so employed must complete his last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19), (22). Mr. Andrew completed his last assignment as he worked until no further work was available. Because it was ESI that notified him the assignment was over, he would not be required to give additional notice that he was again available for assignments as required by Iowa Code section 96.5(1)j. Since he was not offered further work on December 31, 2009, Mr. Andrew is entitled to job insurance benefits.

It is true that Mr. Andrew was no longer available for full-time work as of January 13, 2010. However, because he has been allowed DAT, he would not need to satisfy the availability requirements of Iowa Code section 96.4(3). An employer's account will not be charged for benefits paid to an individual while that individual is on DAT. Iowa Code section 96.4(6)a.

DECISION:

The representative's decision dated March 26, 2010, reference 02, is hereby reversed. Mr. Andrew was separated from ESI on December 31, 2009 for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css