

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL P PETERS**  
Claimant

**APPEAL NO. 07A-UI-04760-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEMPS NOW HEARTLAND**  
Employer

**OC: 04/01/07 R: 04**  
**Claimant: Respondent (1)**

Section 96.5(1)j – Temporary Employment

**STATEMENT OF THE CASE:**

Temps Now Heartland filed an appeal from a representative's decision dated May 1, 2007, reference 02, which held that no disqualification would be imposed regarding Michael Peters' separation from employment. After due notice was issued, a hearing was held by telephone on May 24, 2007. Mr. Peters participated personally. The employer participated by Krista Kenady, Office Manager, and was represented by Miriam Aruguete of Personnel Planners, Inc.

**ISSUE:**

At issue in this matter is whether Mr. Peters was separated from employment for any disqualifying reason.

**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: Mr. Peters began working through Temps Now Heartland, a temporary placement firm, on March 21, 2007. He was placed with Plastics Unlimited. He worked full-time hours on the assignment until notified on April 2 that he was not to return. The assignment ended because there was no further need for Mr. Peters' services. He was not offered a new assignment at the time.

Mr. Peters did not at the time of hire sign any document advising that he had to seek reassignment with the temporary firm within three working days of the end of an assignment. The employer does require individuals to maintain contact at least once weekly in order to be considered for placements. Mr. Peters was sent for testing at a potential job site on April 20 but was not selected for the assignment.

**REASONING AND CONCLUSIONS OF LAW:**

Mr. Peters was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). It is undisputed that Mr. Peters completed his assignment with Plastics Unlimited as he worked until the company no longer had work for him. He would not be

required to continue seeking work through Temps Now Heartland unless the notice required by Iowa Code section 96.5(1)j was provided. The law requires that a temporary agency notify the employee in writing that he has to seek reassignment within three working days of the end of an assignment. Mr. Peters was not provided the notice required by section 96.5(1)j. Therefore, his failure to seek reassignment within three working days of April 2 cannot form the basis of a disqualification from job insurance benefits.

The administrative law judge appreciates that the employer required Mr. Peters to check in on a weekly basis. While this may be a requirement for continued placement, it is not a condition for the receipt of job insurance benefits. Once an assignment is completed, there is no further obligation to report for further work unless the notice required by section 96.5(1)j has been provided. For the reasons stated herein, the administrative law judge concludes that there is no basis on which to disqualify Mr. Peters from receiving job insurance benefits.

**DECISION:**

The representative's decision dated May 1, 2007, reference 02, is hereby affirmed. Mr. Peters was separated from Temps Now Heartland for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css