

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

PHATSALY D LIU  
2904 SHADOW CREEK LN  
DES MOINES IA 50320

DES STAFFING SERVICES INC  
3326 INDIANOLA AVE  
DES MOINES IA 50315

Appeal Number: 05A-UI-02179-SWT  
OC: 04/25/04 R: 02  
Claimant: Appellant (2)

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Iowa Code Section 96.5-1-j – Separation from Temporary Employment

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 28, 2005, reference 03, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on April 5, 2005. The parties were properly notified about the hearing. The claimant participated in the hearing with the assistance of an interpreter. Kathy Anderson participated in the hearing on behalf of the employer with witnesses, Elisha Rivera and Rose Crise.

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked on an assignment at Air Tech from June 11, 2004, to January 18, 2005. On January 19, 2005, a representative for the employer called the claimant and left a message that the assignment had ended.

On January 21, 2005, the claimant reported to the employer's office to turn in her time card for the previous week and pick up her paycheck. The claimant was asked whether she was still available for work and she told the employer that she was available for other assignments. On January 28, 2005, the claimant returned to the office to pick up her last paycheck. She again told the employer that she was available for another assignment.

#### REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing of the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. The claimant is eligible for benefits because she contacted the employer within three working days after the completion of her work assignment and sought a new assignment.

#### DECISION:

The unemployment insurance decision dated February 28, 2005, reference 03, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

saw/pjs