

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT J CLOOS
Claimant

APPEAL NO. 08A-UI-00929-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 12/16/07 R: 01
Claimant: Respondent (1)

Section 96.5-1-j – Temporary Employment

STATEMENT OF THE CASE:

L. A. Leasing, Inc. (employer) appealed a representative's January 22, 2008 decision (reference 01) that concluded Robert J. Cloos (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 12, 2008. The claimant participated in the hearing. Colleen McGuinty and Carrie Cannon appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant applied to work for the employer on June 8, 2007. The employer is a temporary staffing agency. On June 18, 2007, the employer assigned the claimant to a job. The claimant injured himself at work. On September 27, the employer assigned the claimant to work at the employer's office because he was restricted to light-duty work. Sometime prior to October 24, the claimant talked to his supervisor, Ray Anne Parker, and learned he would not be reassigned to his first job assignment when he was released to work without any work restrictions because that job assignment had been completed. The claimant worked at the employer's office until October 23, 2007. On October 24, 2007, the claimant's doctor released him to work without any work restrictions.

After his doctor released him to work on October 24, the claimant took the doctor's statement to Ray Anne Parker. On Friday, October 26, the claimant again talked to Parker about work. She told him that he should learn computer skills. Parker did not offer the claimant another job. In early January 2008, the claimant contacted the employer about a job with a company that the

employer handled. The claimant completed a job application and was told to wait for an interview. The employer did not contact the claimant for a job or interview with this client.

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 claimant's initial job assignment ended when he injured himself at work and was restricted to working light duty. When the claimant was restricted to light-duty work, the employer assigned him to work in the employer's office. The employer asserted the claimant's employment ended as of October 23 because he was released to work without any work restrictions as of October 24. If the claimant did not give the employer a doctor's statement indicating he had been released to work as of October 24 without any work restrictions, it is difficult to understand why the employer would not expect the claimant to work on October 24. A preponderance of the evidence indicates the claimant gave the employer the doctor's statement indicating that as of October 24, he had been released to work without any work restrictions. When the employer received the work release, the claimant learned he could no longer work in the office and the employer did not have another job to assign him to.

Under the facts of this case, the claimant timely requested another job assignment. As a result, the reasons for his employment separation do not disqualify him from receiving unemployment insurance benefits.

DECISION:

The representative's January 22, 2008 decision (reference 01) is affirmed. The claimant's employment separation does not disqualify him from receiving benefits. As of December 16, 2007, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css