

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIEL L NICKERSON
Claimant

APPEAL NO. 07A-UI-06724-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

**OC: 06/03/07 R: 03
Claimant: Respondent (1)**

Section 96.5-1-j – Completion of Temporary Employment Assignment

STATEMENT OF THE CASE:

Express Services, Inc. (employer) appealed a representative's July 2, 2007 decision (reference 02) that concluded Daniel L. Nickerson (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 July 25, 2007. The claimant participated in the hearing. Connie Cooper, the owner, 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 he finish a job assignment and the employer did not have another job to assign him?

FINDINGS OF FACT:

The employer is a staffing agency. The employer assigned the claimant to a job on March 8, 2006. The claimant's last day of work at this assignment was December 22, 2006. On December 26, the employer contacted the claimant to let him know the client no longer needed him to work. The claimant contacted the employer on December 28 to find out if the employer had another job to assign to him. The employer did not have another job assignment for the claimant, but was going to look into the possibility of other assignments. The claimant contacted the employer again in early January, but again the employer did not have a job to assign to the claimant.

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 facts show that when the employer informed the claimant on December 26 the assignment he had been working at since March 2006 had ended; the employer did not have another job to assign to the claimant. Even though the claimant contacted the employer on December 28 and in early January, the employer did not, at those times, have another assignment for the claimant. Based on the facts in this case, the claimant completed a job assignment and became unemployed when the employer did not have another job to assign him. The claimant's employment separation in late December 2006 occurred as the result of nondisqualifying reasons. Based on this employment separation, the claimant is qualified to receive benefits as of June 3, 2007.

DECISION:

The representative's July 2, 2007 decision (reference 02) is affirmed. In late December 2006, the claimant's employment ended for nondisqualifying reasons. Therefore, as of June 3, 2007, the claimant is qualified to receive unemployment insurance 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