

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LOLA TWAITES
Claimant

APPEAL NO. 11O-UI-07575-WT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

**OC: 01/16/11
Claimant: Appellant (2)**

Section 96.5-1-j – Reassignment from Temporary Employment

STATEMENT OF THE CASE:

Claimant filed an appeal from a fact-finding decision dated March 9, 2011, reference 01, which held claimant ineligible for unemployment insurance benefits. A telephone conference hearing was scheduled for and held on December 13, 2011. Claimant participated personally. Employer participated by Mike Schaul.

ISSUE:

The issue in this matter is whether claimant sought reassignment from temporary employment in accordance with Iowa law.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds as follows. Claimant began working for the employer in April 2008. Claimant separated from employment on September 24, 2010 because her assignment ended. The claimant contacted regarding the end of the assignment pursuant to the employer's policy. The employer knew that the assignment was ending on September 24, 2010.

REASONING AND CONCLUSIONS OF LAW:

Individuals employed by a temporary employment firm shall be disqualified from benefits if they fail to seek reassignment in accordance with Iowa Code § 96.5(1)(j) (2011). "Failure of the individual to notify the temporary employment firm of completion of an employment assignment within three working days of the completion of each employment assignment under a contract of hire shall be deemed a voluntary quit unless the individual was not advised in writing of the duty to notify the temporary employment firm upon completion of an employment assignment or the individual had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter." Id.

In this context, actual knowledge is considered “notice.” In other words, if an employer has actual knowledge of the end of the assignment, then the employee is not required to comply with the provisions of section 96.5(1)(j).

In this matter, the greater weight of evidence established that claimant complied with the employer’s policy. Therefore, she did not voluntarily quit and is qualified for benefits so long as she is otherwise eligible.

DECISION:

The fact-finding decision dated March 9, 2011, reference 01, is reversed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.

Joseph L. Walsh
Administrative Law Judge

Decision Dated and Mailed

jlw/pjs