

**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**

**JANETTE GIL
2950 HAWTHORNE DR #316
BETTENDORF IA 52722**

**RIVERSIDE STAFFING SERVICES INC
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283**

**Appeal Number: 05A-UI-05801-CT
OC: 04/17/05 R: 04
Claimant: Respondent (1)**

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 871 IAC 24.26(19) – Temporary Employment

STATEMENT OF THE CASE:

Riverside Staffing Services, Inc. (Riverside) filed an appeal from a representative's decision dated May 18, 2005, reference 03, which held that no disqualification would be imposed regarding Janette Gil's separation from employment. After due notice was issued, a hearing was held by telephone on June 20, 2005. Ms. Gil participated personally. The employer participated by Karrie Minch, Senior Staffing Consultant.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Gil was employed by Riverside, a temporary placement firm, from July 7, 2004 until April 5, 2005. She was at all times assigned to work for

Barton-Sullivan as a full-time administrative assistant. She became separated from the assignment at the client company's request because she was not getting along with another employee. She had not been warned that she was in danger of being removed from the assignment.

Ms. Gil was in contact with Riverside on April 5 to advise that the assignment had ended. She was not offered a new assignment. She had not been notified that she had to seek reassignment within three working days of an assignment ending. Ms. Gil has not worked for Riverside since April 4, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Gil was separated from employment for any disqualifying reason. She was hired for placement in temporary work assignments. An individual so employed must complete her last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Ms. Gil completed her last assignment, as she was removed by the client company. The evidence failed to establish that her removal was due to misconduct on her part. Inasmuch as Riverside did not offer her further work on April 5, Ms. Gil is unemployed through no fault of her own. Accordingly, benefits are allowed.

Ms. Gil was not required to seek reassignment with Riverside as she had not been provided notice of the requirements of Iowa Code section 96.5(1)j. This section requires that an individual seek reassignment through the temporary agency within three working days of the end of an assignment. Because Ms. Gil had not received notice from Riverside of these requirements, its provisions cannot form the basis of a disqualification from job insurance benefits.

DECISION:

The representative's decision dated May 18, 2005, reference 03, is hereby affirmed. Ms. Gil was separated from Riverside for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/kjw