

**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**

**LERA L BRAGG
PO BOX 463
MECHANICSVILLE IA 52306**

**LABOR READY MIDWEST INC
c/o TALK UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283**

**LABOR READY MIDWEST INC
ATTN PAYROLL TAX DEPT
PO BOX 2910
TACOMA WA 98401-2910**

**Appeal Number: 06A-UI-00204-CT
OC: 11/20/05 R: 03
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, 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)

871 IAC 24.1(113)a - Layoff

STATEMENT OF THE CASE:

Lera Bragg filed an appeal from a representative's decision dated December 29, 2005, reference 03, which denied benefits based on her separation from Labor Ready Midwest, Inc. After due notice was issued, a hearing was held by telephone on January 24, 2006. Ms. Bragg participated personally. The employer opted not to participate in the hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Bragg was employed through Labor Ready from April until November 22, 2005. She was assigned to work full time for J & S Construction as a "flagger." She was initially employed by J & S in May of 2004 and had applied for the work

directly through the company. Ms. Bragg was laid off for the season in the winter of 2004 and was recalled directly by J & S in April of 2005. She was advised at that time that Labor Ready was handling all of the paperwork and payroll.

Ms. Bragg was notified on November 22, 2005, that she was being laid off for the season. On November 26, she was in the Labor Ready offices and notified the secretary that she was laid off and available for work. She has not been offered any work by Labor Ready since her layoff from J & S.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Bragg was separated from employment for any disqualifying reason. She is unemployed because she was laid off from her assignment with J & S. Labor Ready was notified that she was laid off and again available to accept assignments. Her layoff was on November 22, and Ms. Bragg was in the Labor Ready offices on November 26. Since the office was probably closed for the Thanksgiving holiday, it is concluded that Ms. Bragg sought reassignment within three working days of the end of her assignment. Inasmuch as she was laid off through no fault of her own and sought reassignment within three working days after she was laid off, no disqualification is imposed. See Iowa Code section 96.5(1)j.

DECISION:

The representative's decision dated December 29, 2005, reference 03, is hereby reversed. Ms. Bragg was separated from employment with Labor Ready for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/kjw