

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CATHY A NORTON
Claimant

APPEAL NO: 08A-UI-10660-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING
Employer

OC: 10/05/08 R: 04
Claimant: Appellant (2)

Section 96.5-1-j – Voluntary Quit Temporary Employment

STATEMENT OF THE CASE:

Cathy A. Norton (claimant) appealed a representative's November 7, 2008 decision (reference 01) that concluded she was not qualified to receive benefits, and the account of Sedona Staffing (employer) would not be charged because the claimant failed to properly notify the employer she had completed a job assignment and/or did not make a timely request for another assignment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 2, 2008. The claimant participated in the hearing. Carrie Gilson testified on the employer's behalf. Colleen McGuinty represented the employer. During the hearing Claimant Exhibit A was offered and admitted as evidence. 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 her employment for reasons that qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary staffing agency. The employer assigned the claimant to a job assignment on February 7, 2008. The claimant worked at this assignment until July 28. On July 28, 2008, the claimant contacted Gilson to report she had problems with her vehicle and would be late for work. Initially, the claimant understood reporting to work late would not be a problem. A short time later, the employer called the claimant to let her know she was no longer needed at the assigned job that day or in the future.

On July 29, the employer contacted the claimant and asked her if she could work a one-day assignment. Since the claimant had to get her vehicle repaired, the claimant declined this offer of work. On July 30, 2008, the claimant's vehicle had been repaired. The claimant contacted the employer on July 30 to find out if the employer had another job to assign to her. (Claimant Exhibit A.) The employer did not have any job assignment for the claimant and told the claimant this.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code sections Section 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 she 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 she fails to notify the employer. Iowa Code section 96.5-1-j.

The facts establish the employer knew the claimant's assignment ended on July 28 because Gilson told the claimant her assignment had ended. While the claimant may have had problems working in a hot environment, the evidence does not establish that she committed work-connected misconduct. The facts further establish that the claimant made a timely request for another assignment, but the employer did not have any work to assign to the claimant. Therefore, the claimant satisfied the requirements of Iowa Code section 96.5-1-j and is not disqualified from receiving benefits under this law. The claimant is qualified to receive benefits because she did not voluntarily quit her employment without good cause and she was not discharged for disqualifying reasons. As of October 5, 2008, the claimant is qualified to receive benefits.

DECISION:

The representative's November 7, 2008 decision (reference 01) is reversed. The claimant's employment separation occurred for nondisqualifying reasons. As of October 5, 2008, the claimant is qualified to receive benefits, provided she 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/pjs