

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

COURTNEY N MCCOY
Claimant

APPEAL NO. 09A-UI-17666-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RIVERSIDE STAFFING SERVICES INC
Employer

**Original Claim: 08/02/09
Claimant: Respondent (1)**

Section 96.5(1)j – Temporary Employment
871 IAC 23.43(9)a – Combined Wage Claims

STATEMENT OF THE CASE:

Riverside Staffing Services, Inc. (Riverside) filed an appeal from a representative's decision dated November 12, 2009, reference 01, which held that it would not be relieved of charges for benefits paid to Courtney McCoy by another state. After due notice was issued, a hearing was held by telephone on January 5, 2010. Ms. McCoy participated personally. The employer participated by Karrie Minch, Senior Staffing Consultant. Exhibits One, Two, and Three were admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether the employer can be relieved of charges for wage credits earned by Ms. McCoy in Iowa and transferred to Illinois to pay benefits.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. McCoy began working through Remedy, a temporary placement firm, on October 20, 2008 and was placed at Ivie and Associates. She worked full-time on the assignment until removed on May 26, 2009. She was removed because she sometimes reported to work late and sometimes took extended breaks. Remedy did not provide specific dates on which she was late or took longer breaks. Her supervisor on the assignment only told her she needed to try to get to work on time.

Remedy notified Ms. McCoy by telephone that her assignment had ended. She was not offered further work at that time. She had not, at any time, signed a document advising that she needed to seek reassignment within three working days of the end of an assignment.

REASONING AND CONCLUSIONS OF LAW:

Ms. McCoy 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). In the case at hand, Ms. McCoy completed her assignment, as she

worked until no further work was available. Therefore, her separation was not a voluntary quit. It is true that Ms. McCoy has not maintained contact with Remedy for additional assignments. While periodic contact may be a condition for continued placement, it is not a condition for the receipt of job insurance benefits.

Ms. McCoy was unemployed because she was discharged from her assignment due to attendance issues. It was incumbent upon the employer to provide specific details of the reasons for discharge, as mere allegations of misconduct are not sufficient to result in disqualification. Without details concerning Ms. McCoy's attendance, the administrative law judge cannot determine whether there was a current act of misconduct in relation to the discharge date. Nor can the administrative law judge determine that the attendance issues were excessive. For the above reasons, it must be concluded that the separation was not due to misconduct.

The decision herein does not address Ms. McCoy's entitlement to benefits, as that determination is made by the State of Illinois. This decision only addresses whether Remedy's Iowa account will be relieved of charges for benefits paid to her by Illinois. The employer's Iowa account would only be relieved of charges if the facts supported a disqualification under Iowa law. Inasmuch as the evidence does not establish either a voluntary quit or a discharge for misconduct, the employer's account is not relieved of charges.

DECISION:

The representative's decision dated November 12, 2009, reference 01, is hereby affirmed. Remedy's Iowa unemployment account is not relieved of charges for benefits paid to Ms. McCoy by the State of Illinois, as her May 26, 2009 separation was not a disqualifying event under Iowa law.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw