

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DONTRAYIUS E CAREY

Claimant

APPEAL NO. 11A-UI-08123-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMPS NOW HEARTLAND LLC

Employer

OC: 05/01/11

Claimant: Respondent (1)

Section 96.5-1-j – Separation from Temporary Employment

STATEMENT OF THE CASE:

Temps Now Heartland filed a timely appeal from an unemployment insurance decision dated June 9, 2011, reference 02, that allowed benefits to Dontrayius E. Carey. After due notice was issued, a telephone hearing was held July 15, 2011, with Mr. Carey participating. The employer did not respond to the hearing notice by providing the name and telephone number of the witness.

ISSUE:

Was the claimant's separation from employment a disqualifying event?

FINDINGS OF FACT:

Dontrayius E. Carey was employed by Temps Now Heartland from February 16, 2011, working on assignment for Medico. The client removed Mr. Carey from the assignment because, with doctor's permission, he wore a personal back brace when lifting heavy equipment. He sought re-assignment from Temps Now Heartland, maintaining contact with that company throughout March 2011. The company had no further assignments for him.

REASONING AND CONCLUSIONS OF LAW:

The question is whether this separation from employment was a disqualifying event. It was not.

Iowa Code section 96.5-1-j requires that temporary employees of temporary employment services contact the temporary employment service within three working days after the end of an assignment to seek re-assignment, provided the temporary employer has given the individual separate, written notification that the individual must do so. Mr. Carey's testimony given under oath establishes that he sought re-assignment. The employer has presented no evidence to the contrary. Benefits are allowed.

DECISION:

The unemployment insurance decision dated June 9, 2011, reference 02, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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