

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHAWNA R SERVANTEZ
Claimant

APPEAL NO: 09A-UI-09019-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 01/04/09
Claimant: Respondent (1)

Section 96.5-1-j – Temporary Employment

STATEMENT OF THE CASE:

Express Services, Inc. (employer) appealed a representative's June 19, 2009 decision (reference 03) that concluded Shawna R. Servantez (claimant) was qualified to receive benefits and the employer's account was subject to charge because the claimant's employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 9, 2009. The claimant participated in the hearing. Holly Burtness, a staffing coordinator, appeared on the employer's behalf. 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 firm. The claimant registered to work for the employer's clients. The employer assigned the claimant to a job on May 27, 2008. The client informed the claimant on September 1 that her last day of work at that assignment would be September 3. The claimant worked second shift and understood the client did not have any work for her to do after September 3. The claimant went to the employer's office on September 1 or 3 and told an employee her last day of work at her current assignment would be or was completed on September 3. The claimant asked if the employer had another job for her. The employer did not have another job to assign the claimant.

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 §§ 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 the individual 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 § 96.5-1-j.

The claimant's testimony must be given more weight than the employer's testimony that was based on reports or records prepared by other employees. The claimant's testimony that her shift and department had completed all the client's work is not disputed when employees the employer reported worked until September 30 did not work second shift in the claimant's department. A preponderance of the evidence establishes the claimant timely reported that the client ended her job assignment on September 3 and the employer did not have another job to assign to the claimant. Completing a job assignment does not constitute a voluntarily quit or discharge for work-connected misconduct. Based on her September 3, 2008 employment separation, the claimant is qualified to receive benefits as of January 4, 2009. The employer's account may be charged for benefits paid to the claimant.

DECISION:

The representative's June 19, 2009 decision (reference 03) is affirmed. The claimant timely reported that she completed a job assignment. The reasons for the claimant's September 3, 2008 employment separation do not disqualify the claimant from receiving benefits. As of January 4, 2009, the claimant is qualified to receive benefits. The employer's account may be charged for benefits paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css