

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEVIN R SLAUGHTER
Claimant

APPEAL NO. 10A-UI-03884-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING
Employer

OC: 01/31/10
Claimant: Respondent (1)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Sedona Staffing filed an appeal from a representative's decision dated March 8, 2010, reference 02, which held that no disqualification would be imposed regarding Devin Slaughter's separation from employment. After due notice was issued, a hearing was held by telephone on April 28, 2010. Mr. Slaughter participated personally. The employer participated by Ronda Stout, Branch Manager; Colleen McGuinty, Unemployment Benefits Administrator; and Vanessa Laviada, Assistant Manager.

ISSUE:

At issue in this matter is whether Mr. Slaughter was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Slaughter began working through Sedona Staffing in October of 2009. On February 5, 2010, he was assigned to work full time for Plastic Products Company. His last day on the assignment was February 17. He called Sedona Staffing over two hours before the start of his shift on February 18 to report that he would be absent because his leg was swollen.

On February 19, Sedona Staffing called Mr. Slaughter and notified him that he was not to return to the assignment. He was removed at the client company's request because he had missed work the day before. He was not offered further work at that time.

REASONING AND CONCLUSIONS OF LAW:

Mr. Slaughter completed his last assignment as he worked until no further work was available for him. The evidence failed to establish to the satisfaction of the administrative law judge that his removal from the assignment was due to any misconduct on his part. Although there was an allegation that he was absent without notice on February 18, the employer's evidence was not persuasive. Mr. Slaughter testified that he left a message concerning his planned absence on

Sedona Staffing's answering machine during the lunch hour. The employer confirmed that its offices are closed during the lunch hour. Although the employer testified that it had no record of him calling on February 18, the employer's records are not entirely reliable. The employer initially testified that it had no contact with Mr. Slaughter after February 18. However, the assistant manager later testified to having a conversation with him on February 19. Given the state of the employer's records, any doubt as to whether Mr. Slaughter called to report his absence of February 18 will be resolved in his favor.

Iowa Code section 96.5(1)j requires an employee of a temporary placement firm to notify the firm that an assignment has ended within three working days of completion of the assignment. Such notice is to let the firm know that the individual is again available for placement. The failure to provide such notice constitutes a voluntary quit. The administrative law judge believes the statute presuppose that the temporary firm is not otherwise notified that the assignment has been completed. Sedona Staffing notified Mr. Slaughter that his assignment with Plastic Products Company was over. It would serve no useful purpose for him to re-contact Sedona Staffing to tell them the assignment was over.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that Mr. Slaughter was separated from Sedona Staffing on February 19, 2010 for no disqualifying reason. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated March 8, 2010, reference 02, is hereby affirmed. Mr. Slaughter was separated from employment with Sedona Staffing for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs