IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

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

MRYOSHI L HOLDEN
Claimant

LABOR READY MIDWEST INC
Employer

APPEAL NO. 08A-UI-04081-CT

ADMINISTRATIVE LAW JUDGE DECISION

OC: 12/30/07 R: 03
Claimant: Respondent (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Labor Ready Midwest, Inc. filed an appeal from a representative's decision dated April 16, 2008, reference 05, which held that no disqualification would be imposed regarding Mryoshi Holden's separation from employment. After due notice was issued, a hearing was held by telephone on May 12, 2008. Ms. Holden participated personally. The employer participated by Angie Wheelock, Operations Supervisor. Exhibits One through Four were admitted on the employer's behalf.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Holden began working through Labor Ready on August 25, 2006. She worked on a temporary assignment with Green & Associates from November 6 until December 17, 2007. Labor Ready notified her on or about December 17 that the assignment was completed. Ms. Holden returned to Green & Associates on March 17, 2008 to begin a long-term assignment. Labor Ready notified her on March 17 that she was not to return to the assignment.

REASONING AND CONCLUSIONS OF LAW:

Ms. Holden was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Ms. Holden completed assignments on both December 17, 2007 and March 17, 2008. Because she completed the assignments, the separations did not constitute quits.

Labor Ready does not maintain a roster of available workers to be called when work becomes available. Individuals must report to the Labor Ready offices to see what work, if any, is

available on any given day. In that respect, the employer is more of a "casual" employer, which assigns individuals to spot jobs. For this reason, Ms. Holden was not required to continue reporting to the Labor Ready office. See 871 IAC 24.26(19). Although this may be a requirement for continued placement by Labor Ready, it is not a condition for the receipt of job insurance benefits.

Even if the administrative law judge were to conclude that Labor Ready was a temporary placement firm within the meaning of Iowa Code section 96.5(1)j, there still would be no basis for disqualification. It was Labor Ready that notified Ms. Holden on December 17 and March 17 that her assignments were over. The failure to notify a temporary placement firm of the completion of an assignment within three working days constitutes a voluntary quit. Section 96.5(1)j. Since it was Labor Ready that notified Ms. Holden her assignments were completed, there was no need for her to provide information the employer already had.

For the reasons stated herein, the administrative law judge concludes that Ms. Holden's separations on December 17, 2007 and March 17, 2008 were not disqualifying events. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated April 16, 2008, reference 05, is hereby affirmed. Ms. Holden was separated from Labor Ready for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility.

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Carolyn F. Coleman
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw