

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID O BEAN**  
Claimant

**APPEAL NO. 11A-UI-05757-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEDONA STAFFING**  
Employer

**OC: 10/03/10**  
**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 April 21, 2011, reference 04, which held that no disqualification would be imposed regarding David Bean's separation from employment. After due notice was issued, a hearing was held by telephone on May 25, 2011. Mr. Bean participated personally. The employer participated by Chad Baker, Workers' Compensation Administrator, and Shelby Kingery, Account Coordinator.

**ISSUE:**

At issue in this matter is whether Mr. Bean 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. Bean began working through Sedona Staffing on November 9, 2010 and was assigned to work full time for Maquoketa Web Printing. His last day on the assignment was March 15, 2011. He called Sedona Staffing on March 16 to report that he would be absent due to illness. He was told at that time that his services would no longer be needed on the assignment.

Mr. Bean did not have further contact with Sedona Staffing until March 25. He was contacted on that date and offered a new assignment with Maquoketa Web Printing. The assignment was declined because he had plans to start a full-time job with Custom Pak beginning March 28.

**REASONING AND CONCLUSIONS OF LAW:**

Mr. Bean was hired for placement in temporary work assignments. An individual so employed must complete his last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Mr. Bean completed his assignment with Maquoketa Web Printing as he worked until work was no longer available to him. He did not initiate a separation from the assignment before its completion.

Mr. Bean did not contact Sedona Staffing within three working days of the end of his assignment as provided in Iowa Code section 96.5(1)j. This section disqualifies an individual if the temporary placement firm is not notified of the end of an assignment within three working days of the assignment ending. In the instant case, Sedona Staffing was aware that the assignment was over because it had relayed this information to Mr. Bean. The administrative law judge does not believe the statute was intended to penalize an individual for not providing information he knows the temporary firm already has.

After considering all of the evidence, it is concluded that Mr. Bean was separated from Sedona Staffing on March 16, 2011 for no disqualifying reason. Although he refused work on March 25, he did so only because he had other employment. Under such circumstances, a disqualification for refusing suitable work would not be appropriate. See 871 IAC 24.24(7).

**DECISION:**

The representative's decision dated April 21, 2011, reference 04, is hereby affirmed. Mr. Bean was separated from Sedona Staffing for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css