

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MEAGEN S CHRISTENSEN
Claimant

APPEAL NO. 10A-EUCU-00414-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 02/07/10
Claimant: Appellant (2-R)

Section 96.5(1) – Quit
Section 96.6-2 – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant, Meagen Christensen, filed an appeal from a decision dated March 26, 2010, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on July 2, 2010. The claimant participated on her own behalf. The employer, Team Staffing, participated by Claims Administrator Sarah Fiedler. Exhibit D-1 was admitted into the record.

ISSUE:

The issue is whether the appeal is timely and whether she quit work with good cause attributable to the employer.

FINDINGS OF FACT:

A disqualification decision was mailed to the claimant's last-known address of record on March 26, 2010. The claimant did not receive the decision as the apartment number on the address was incorrect. When she finally went to her local Workforce Center she was notified of the disqualifying decision and filed her appeal at that time.

Meagen Christensen was employed by Team Staffing from April 3, 2006 until February 10, 2009. Her last assignment was at Raymond from September 29, 2008 until February 5, 2009. On February 10, 2009, the claimant went to the Team Staffing office to inform the employer the assignment had ended. At that time she was offered four other assignments, all of which she declined. She could not give any reason for refusing those assignments. At one point during the visit she indicated she was going to be going back to school, but did not actually begin until August 2009. At no time after February 10, 2009, did the claimant return to Team Staffing to request another assignment because she was upset she was not offered the warehouse working job she wanted.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.6-2 provides in pertinent part:

The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. . . . Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision.

The claimant did not receive the representative's decision in this case and filed her appeal immediately after being informed of the disqualification. The appeal shall be accepted as timely.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

The claimant did notify the employer of the end of her last assignment in a timely manner as required. Continuing work was available to her with four different client companies and she refused because none of them was a warehouse job, which is what she wanted. There is nothing to indicate she agreed only to make herself available for warehouse jobs but not reporting for further assignments after the completion of a final one is not considered a voluntary quit under the provisions of the above Administrative Code section. Disqualification may not be imposed.

The issue of whether the claimant refused suitable offers of work from Team Staffing should be remanded for determination.

DECISION:

The decision of the representative dated March 26, 2010, reference 01, is reversed. Meagen Christensen is qualified for benefits, provided she is otherwise eligible.

The issue of whether the claimant is disqualified for refusing offers of suitable work is remanded to UIS division for determination.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css