

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**PENNY TAYLOR
5657 COLORADO DR SW
CEDAR RAPIDS IA 52404-5305**

**L A LEASING INC
SEDONA STAFFING
612 VALLEY DR
MOLINE IL 61265**

**Appeal Number: 06A-UI-01299-BT
OC: 01/08/06 R: 03
Claimant: Respondent (5)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

Sedona Staffing (employer) appealed an unemployment insurance decision dated January 26, 2006, reference 01, which held that Penny Taylor (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 21, 2006. The claimant participated in the hearing. The employer participated through Colleen McGuinty, Unemployment Benefits Administrator and Thomas Appel, Account Manager.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time general laborer from April 26, 2005 through December 8, 2005. She was assigned to a long-term clerical position with Pierson Government Solutions on December 5, 2005. After working two days, she called in ill on December 7 and again on December 8 due to a snow storm. The claimant reported her absences both to the employer and to where she had been assigned. The employer called the claimant on December 8 and left a message that her position had been terminated. The claimant was told not to go back to Pierson Solutions. The parties dispute whether or not the claimant called in for reassignment after that.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer or if the employer discharged her for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-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 ending a 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. The employer must also notify the individual that she may be disqualified from receiving unemployment insurance benefits if she fails to notify the employer. Iowa Code § 96.5-1-j.

In the case herein, the employer initially testified that the claimant voluntarily quit her employment by failing to report to work, but the employer later confirmed the claimant had been advised her position was terminated. Since the employer notified the claimant not to return to work with Pierson's Government Solutions, the employer had actual knowledge the claimant was available for reassignment. The parties disagree as to whether or not the claimant called in after that message. However, to disqualify the claimant based on a technical noncompliance with the requirements of Iowa Code § 96.5-1-j would contradict the proposed intent of this legislation. Consequently, the claimant is considered to have voluntarily quit with good cause attributable to the employer and benefits are allowed.

DECISION:

The unemployment insurance decision dated January 26, 2006, reference 01, is modified with no effect. The claimant voluntarily quit her employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits provided she is otherwise eligible.

sdb/s