

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANASIA D NASH
Claimant

APPEAL NO. 10A-UI-03856-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

**OC: 01/10/10
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 2, 2010, reference 01, which held that no disqualification would be imposed regarding Anasia Nash's separation from employment. After due notice was issued, a hearing was held by telephone on April 28, 2010. The hearing record was left open for additional evidence. The hearing reconvened on June 25, 2010. Ms. Nash participated personally. The employer participated by Colleen McGuinty, Unemployment Benefits Administrator, and Rhonda Stout, Branch Manager. Exhibits One and Two were admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether Ms. Nash 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: Ms. Nash began working through Sedona Staffing, a temporary placement service, in July of 2009. She was placed on a long-term, "temp-to-hire" position with Plastic Products Company. She worked full-time hours. On September 2, she was notified by Sedona Staffing that she was not to return to the assignment. Ms. Nash has not been offered further work since that time.

REASONING AND CONCLUSIONS OF LAW:

Ms. Nash was hired for placement in temporary work assignments. An individual so employed must complete her last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19), (22). Ms. Nash completed her last assignment as she worked until no further work was available to her. Iowa Code section 96.5(1)j requires an employee of a temporary placement firm to notify the firm of the completion of an assignment within three working days of the end of the assignment. This report is required so that the firm has notice that the individual is again available for placement. This section presupposes that the temporary placement firm is not otherwise notified of the completion of the assignment.

In the case at hand, it was Sedona Staffing that notified Ms. Nash that her assignment was over. It would serve no purpose for her to re-contact them to provide the same information they had just provided her. It is clear from the wording of the statute that it is the failure to give notice of the completion that results in disqualification, not the failure to ask for another assignment. Sedona was aware on September 2 that Ms. Nash was no longer on an assignment and could have offered her other work but did not do so. As such, her separation was not a disqualifying event.

DECISION:

The representative's decision dated March 2, 2010, reference 01, is hereby affirmed. Ms. Nash was separated from Sedona Staffing on September 2, 2009 for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css