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

ARTURO F COVARRUBIAS
Claimant

APPEAL NO. 10A-UI-03893-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DES STAFFING SERVICES INC
Employer

Original Claim: 01/10/10
Claimant: Appellant (2)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Arturo Covarrubias filed an appeal from a representative's decision dated March 8, 2010, reference 02, which denied benefits based on his separation from DES Staffing Services, Inc. Due notice was issued scheduling a hearing by telephone on May 4, 2010. Based on new evidence provided by the employer prior to the hearing, a hearing was deemed unnecessary.

ISSUE:

At issue in this matter is whether Mr. Covarrubias 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. Covarrubias was denied job insurance benefits on a finding that he failed to seek reassignment with the temporary placement firm within three working days of the end of an assignment. The employer later found evidence that he had, in fact, made the required contact. Based on the new evidence, a hearing on the matter was not needed.

REASONING AND CONCLUSIONS OF LAW:

As an employee of a temporary placement firm, Mr. Covarrubias was required to notify the firm of the completion of each assignment within three working days of the end of the assignment. Inasmuch as the employer has confirmed that the required contact was made, benefits are allowed pursuant to Iowa Code section 96.5(1)j.

DECISION:

The representative's decision dated March 8, 2010, reference 02, is hereby reversed. Mr. Covarrubias was separated from DES Staffing Services, Inc. on March 24, 2010 for no disqualifying reason.   Benefits are allowed, provided he is otherwise eligible.

_____
Carolyn F. Coleman
Administrative Law Judge

_____
Decision Dated and Mailed

cfc/kjw