

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ARACELY GALINDO**  
Claimant

**APPEAL NO. 08A-UI-01667-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DES STAFFING SERVICES INC**  
Employer

**OC: 12/30/07 R: 02  
Claimant: Appellant (2)**

Section 96.5(1)j – Temporary Employment

**STATEMENT OF THE CASE:**

Aracely Galindo filed an appeal from a representative's decision dated February 15, 2008, reference 01, which denied benefits based on her separation from DES Staffing Services, Inc. (DES). After due notice was issued, a hearing was held by telephone on March 4, 2008. Ms. Galindo participated personally. The employer participated by Amy Macgregor, Human Resources Manager.

**ISSUE:**

At issue in this matter is whether Ms. Galindo was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Galindo was employed through DES from January 22 until December 28, 2007. She was on an assignment with Excel Marketing the entire time. On or about December 31, she was notified by Shane, a DES employee, that her services were no longer needed at Excel Marketing. She was not offered further work at that time.

Ms. Galindo signed a document at the time of hire advising her that she had to contact DES within three working days of the end of an assignment. The document was signed on December 13, 2006 and a copy was given to Ms. Galindo at the time it was signed.

**REASONING AND CONCLUSIONS OF LAW:**

Ms. Galindo was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). It is undisputed that Ms. Galindo completed her last assignment, which was with Excel Marketing. She was released because her services were no longer needed.

The law provides that the failure of a temporary employee to notify the temporary placement firm of the completion of an assignment within three working days of the end of the assignment shall be deemed a voluntary quit. Iowa Code section 96.5(1)j. In short, the separation is deemed a voluntary quit if the employee does not notify the temporary firm that the assignment has ended. In the case at hand, it was the temporary firm that notified Ms. Galindo that the assignment had concluded. Since the employer was already on notice that the assignment had concluded, it would not be necessary for Ms. Galindo to again give notice. Because the employer had notice that the assignment was over, the separation was not a voluntary quit.

For the reasons cited herein, the administrative law judge concludes that Ms. Galindo was separated from DES for no disqualifying reasons. Accordingly, benefits are allowed.

**DECISION:**

The representative's decision dated February 15, 2008, reference 01, is hereby reversed. Ms. Galindo was separated from DES for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw