

**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**

**NATHAN K WIESE
2372 SHADY OAKS RD
MARSHALLTOWN IOWA 50158**

**TEMP ASSOCIATES – MARSHALLTOWN
307 W MAIN ST
MARSHALLTOWN IA 50158**

**Appeal Number: 05A-UI-00872-CT
OC: 12/26/04 R: 02
Claimant: Respondent (1)**

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 – Temporary Employment

STATEMENT OF THE CASE:

Temp Associates filed an appeal from a representative's decision dated January 24, 2005, reference 02, which held that no disqualification would be imposed regarding Nathan Wiese's separation from employment. After due notice was issued, a hearing was held by telephone on February 10, 2005. The employer participated by Deb Upham, Manager. Mr. Wiese did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Wiese began working for Temp Associates, a temporary

placement firm, on November 1, 2004 and was assigned to work for H W Brand on a full-time basis. The assignment could have led to regular, permanent employment. Mr. Wiese was released from the assignment on December 22 because of his attitude and work pace. The client company felt he was grumpy and disagreeable and did not work fast enough. Mr. Wiese had not been warned that he was in danger of losing his assignment for any reason.

After he spoke to Temp Associates on December 22, Mr. Wiese next had contact with them on December 27. Temp Associates was closed December 24 through December 26. Mr. Wiese was not offered work when he made contact on December 27 as no work was available. On or about January 24, 2005, Temp Associates learned that he had accepted work elsewhere.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Wiese was separated from employment for any disqualifying reason. He was hired for placement in temporary work assignments. An individual so employed must complete his last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Mr. Wiese completed his last assignment as he was released by the client company. The evidence does not establish any acts of disqualifying misconduct on his part. Mr. Wiese sought reassignment within three working days following the end of his last assignment but no work was available. Therefore, he is not disqualified from receiving benefits pursuant to Iowa Code section 96.5(1)j.

After he sought reassignment, Mr. Wiese was not obligated to continue contacting Temp Associates as a condition of receiving job insurance benefits. Because he completed his last assignment and sought reassignment as required by law, his separation from Temp Associates was not a disqualifying event. Therefore, even if he did accept employment elsewhere on January 24, 2005, his separation from Temp Associates would not be considered a voluntary quit. See 871 IAC 24.26(19). For the reasons cited herein, no disqualification is imposed.

DECISION:

The representative's decision dated January 24, 2005, reference 02, is hereby affirmed. Mr. Wiese was separated from Temp Associates on December 27, 2004 for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/pjs