

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

MARY M SIMONS  
PO BOX 283  
COLESBURG IA 52035

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

Appeal Number: 06A-UI-02483-CT  
OC: 2/27/05 R: 04  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Sedona Staffing filed an appeal from a representative's decision dated February 17, 2006, reference 08, which held that no disqualification would be imposed regarding Mary Simons' separation from employment. After due notice was issued, a hearing was held by telephone on March 20, 2006. Ms. Simons participated personally. The employer participated by Colleen McGuinty, Unemployment Benefits Administrator, and Nikki Kiefer, Branch Manager.

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. Simons began working through Sedona Staffing, a temporary placement firm, on September 2, 2005. She completed an assignment on

November 8 and checked in for work on November 9. No further work was offered on November 9.

Ms. Simons was offered additional assignments on November 15 and again on December 7. She declined the work on both occasions. The refusals have been adjudicated by Iowa Workforce Development in decisions issued on December 15, 2005 and January 9, 2006. Because of her refusals of work, the employer placed Ms. Simons on inactive status as of December 7, 2005.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Simons was separated from employment for any disqualifying reason. She 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). Ms. Simons completed her last assignment and sought reassignment within three working days of the end of the assignment. Therefore, she satisfied the requirements of Iowa Code Section 96.5(1)j. The fact that Ms. Simons went to inactive status as of December 7, 2005 does not preclude an award of benefits. As long as she sought reassignment within three working days of the end of her last assignment, she was not required to continue seeking work through Sedona Staffing. See 871 IAC 24.26(19). For the above reasons, Ms. Simons is allowed job insurance benefits.

Sedona Staffing has offered Ms. Simons other work since November 9, 2005. Those job offers are not the subject of the appeal herein as they have previously been adjudicated by Workforce Development.

#### DECISION:

The representative's decision dated February 17, 2006, reference 08, is hereby affirmed. Ms. Simons was separated from Sedona Staffing on November 9, 2005 for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility and has not otherwise been disqualified from receiving benefits.

cfc/kkf