

**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**

**MELISSA M WARNER
718½ HEROLD AVE
DES MOINES IA 50315**

**REMEDY INTELLIGENT STAFFING INC
% TALX UC EXPRESS
P O BOX 66864
ST LOUIS MO 63166-6864**

**Appeal Number: 04A-UI-02228-CT
OC: 01/11/04 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 871IAC24.26(19) – Temporary Employment

STATEMENT OF THE CASE:

Remedy Intelligent Staffing, Inc. (Remedy) filed an appeal from a representative's decision dated February 19, 2004, reference 01, which held that no disqualification would be imposed regarding Melissa Warner's separation from employment. After due notice was issued, a hearing was held by telephone on March 18, 2004. Ms. Warner participated personally. The employer participated by Wendy Mesenbrink, Customer Service Representative. Exhibits One and Two were admitted on the employer's behalf.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Warner began working through Remedy, a temporary placement firm, in June of 2003. She satisfactorily completed an assignment on November 20, 2003. She was assigned to work for Wells Fargo from February 18 through February 20, 2004 and completed the assignment. She was not notified of any requirement to seek re-employment within three working days following the end of an assignment.

Ms. Warner was contacted on March 15 concerning an offer of work. However, she had already accepted employment elsewhere, which she anticipated starting on March 16. She will begin full-time employment on March 22, 2004.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Warner was separated from employment for any disqualifying reason. She was employed to work in temporary 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). She would not be required to continue seeking work through the temporary firm unless the provisions of Iowa Code Section 96.5(1)j have been satisfied. This section requires that the employee of the temporary firm have received written notice that she is to seek reassignment within three working days following the end of an assignment. Remedy did not provide Ms. Warner with such notice. Therefore, she was not required to continue seeking temporary assignments.

Although the employer may require periodic contact as a condition of being placed in assignments, such contact is not required as a condition of receiving job insurance benefits. Inasmuch as Ms. Warner completed her last assignment, her separation was for no disqualifying reason. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated February 19, 2004, reference 01, is hereby affirmed. Ms. Warner was separated from Remedy for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/s