

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

STEVEN F REESE
1003 PIERCE ST #C-31
SIOUX CITY IA 51105-1455

LABOR READY MIDWEST INC
c/o TALK UCM SERVICES INC
PO BOX 66864
ST LOUIS MO 63166-6864

LABOR READY MIDWEST INC
ATTN PAYROLL TAX DEPT
PO BOX 2910
TACOMA WA 98401-2910

Appeal Number: 06A-UI-06164-CT
OC: 05/14/06 R: 01
Claimant: Appellant (2)

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:

Steven Reese filed an appeal from a representative's decision dated June 15, 2006, reference 03, which held he quit his employment with Labor Ready Midwest, Inc. (Labor Ready) for no good cause attributable to the employer. After due notice was issued, a hearing was held by telephone on July 6, 2006. The employer participated by Ron Stopak, Account Representative. Exhibits One and Two were admitted on the employer's behalf. Mr. Reese did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Reese began working for Labor Ready on

December 27, 2004. On May 8, 2006, he completed a one-day assignment with QS Transport. He did not seek additional work with Labor Ready after May 8. Labor Ready did not have Mr. Reese sign a document advising that he had to seek reassignment within three working days of the end of an assignment.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Reese was separated from employment for any disqualifying reason. He 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). Mr. Reese would not be required to continue seeking work through Labor Ready unless the provisions of Iowa Code section 96.5(1)j were satisfied. This section of law requires that an employer have advised the temporary employee of the need to seek reassignment within three working days of the end of an assignment. Inasmuch as Labor Ready did not provide Mr. Reese with this notice, he was not required to continue seeking temporary assignments.

The administrative law judge appreciates that reporting to Labor Ready was required in order for Mr. Reese to continue receiving assignments. However, it was not a requirement for the receipt of job insurance benefits. Because Mr. Reese completed his last assignment and was not required to continue seeking assignments, no disqualification is imposed for his May 8, 2006 separation.

DECISION:

The representative's decision dated June 15, 2006, reference 03, is hereby reversed. Mr. Reese was separated from Labor Ready for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/kkf