

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

DIANE M SMITH  
PO BOX 4397  
DES MOINES IA 50333

LABOR READY MIDWEST INC  
ATTN PAYROLL TAX DEPARTMENT  
PO BOX 2910  
TACOMA WA 98401-2901

Appeal Number: 04A-UI-10210-BT  
OC: 08/22/04 R: 02  
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, 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.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

Section 871 IAC 24.1(113)a - Separation Due to Layoff

STATEMENT OF THE CASE:

Diane Smith (claimant) appealed an unemployment insurance decision dated September 20, 2004, reference 04, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Labor Ready Midwest, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 21, 2004. The claimant participated in the hearing. The employer participated through Juan Bruce, Branch Manager.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment agency. The claimant was employed as a laborer from October 13, 1999 through June 12, 2004, when her last assignment ended. She is not currently working as the employer has no work available. It appears that the employer is not willing to place the claimant on another assignment but that is only speculation since no work is available at this time.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. All terminations of employment are generally classified as layoffs, quits, discharges or other separations. 871 IAC 24.1(113)(a). A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer or an employer has discharged the claimant for work-connected misconduct. Iowa Code sections 96.5-1 and 96.5-2-a.

The evidence establishes the claimant completed her last assignment and is not currently working as there is no work available. The claimant's separation from employment was not due to any misconduct on her part nor did she quit her job. The completion of a temporary employment assignment, regardless of whether the claimant reported for a new assignment, is deemed to be a separation other than a voluntary quit. The claimant's separation from employment was with good cause attributable to the employer and benefits are allowed.

DECISION:

The unemployment insurance decision dated September 20, 2004, reference 04, is reversed. The claimant is qualified for unemployment insurance benefits, provided she is otherwise eligible.

sdb/kjf