

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

PATRICIA L SLIFKA
Claimant

APPEAL NO. 08A-UI-02693-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 02/10/08 R: 02
Claimant: Respondent (1)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Express Services, Inc. filed an appeal from a representative's decision dated March 14, 2008, reference 01, which held that no disqualification would be imposed regarding Patricia Slifka's separation from employment. After due notice was issued, a hearing was held by telephone on April 2, 2008. Ms. Slifka participated personally. The employer participated by Kerri Peterson, Manager.

ISSUE:

At issue in this matter is whether Ms. Slifka was separated from employment for any disqualifying reason.

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. Slifka was employed by Express Services, Inc., a temporary placement service, beginning in October of 2007. Her last assignment was with Rain and Hail Insurance, where she worked from December 8, 2007 until February 11, 2008. She was removed from the assignment at the request of the client company because of her attendance and productivity. Ms. Slifka had not been warned that she was in danger of losing her employment.

Ms. Slifka was in contact with Express Services, Inc. on both February 11 and February 12 concerning additional work. The company did not have any work she was qualified to perform on either date. She has continued to call in regularly regarding further work.

REASONING AND CONCLUSIONS OF LAW:

Ms. Slifka became separated on February 11, 2008 because she was released from her assignment with Rain and Hail Insurance. The release was due to her attendance and productivity. Inasmuch as she had not been warned about either issue, she could not have taken steps to conform her conduct to the client's expectations. For the above reasons, it is concluded that the separation of February 11 was not for misconduct. Because Ms. Slifka did

not initiate the separation, it is concluded that she completed her last assignment by remaining until no further work was available.

Ms. Slifka sought further work with Express Services, Inc. on February 11 and February 12. Since she sought reassignment within three working days of the end of her assignment with Rain and Hail Insurance, she is entitled to benefits pursuant to Iowa Code section 96.5(1)j.

DECISION:

The representative's decision dated March 14, 2008, reference 01, is hereby affirmed. Ms. Slifka was separated from Express Services, Inc. on February 11, 2008 for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs