

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SOPHIA HAMILTON
Claimant

APPEAL NO. 09A-UI-10451-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING
Employer

**Original Claim: 06/21/09
Claimant: Respondent (1)**

Section 96.5-1-j – Completion of Temporary Employment

STATEMENT OF THE CASE:

Sedona Staffing (employer) appealed a representative's July 17, 2009 decision (reference 01) that concluded Sophia Hamilton (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the claimant's employment separation was for non-disqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 7, 2009. The claimant participated in the hearing. Colleen McGuinty and Shelby Meggers, an account coordinator, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant registered to work for the employer's clients on August 28, 2008. The employer assigned the claimant to a job at Molded Fiber on September 2, 2008. The client contacted the employer and indicated the claimant's job had been completed and her services were no longer needed after November 7, 2008.

One of the employer's employees contacted the claimant to let her know her assignment was over. During this conversation, the claimant asked about another job assignment, but the employer did not have another job to assign the claimant on November 7 or 8, 2008. While the employer may have had another job to assign to the claimant in a week, the claimant did not contact the employer about another job until April 14, 2009. The claimant was expecting a baby and was not available to work until April 14, 2009. The claimant established a claim for benefits during the week of June 21, 2009.

REASONING AND CONCLUSIONS OF LAW:

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 discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5-1-j.

Even though the employer's computer records do not indicate the claimant asked about another job when she learned her assignment was over, the employee who talked to the claimant in early November 2008 did not testify at the hearing. Therefore, the claimant's testimony that she asked about another job right away must be given more weight than the employer's reliance on a computer record generated by an employee who did not testify. Also, the facts do not establish that at the time of hire, the claimant received any information in writing that she must contact the employer within three days of completing an assignment in an attempt to obtain another assignment. Based on both these facts, Iowa Code § 96.5-1-j does not apply to this case. The facts establish the claimant completed a job assignment and the employer did not have another job to assign to her immediately. Although the claimant did not contact the employer again until mid-April 2009 because she was not available until then, this does not affect her eligibility to receive benefits as of June 21, 2009, because Iowa Code § 96.4-3 only applies each week a claimant files a claim for benefits. (As of the date of the hearing, the claimant had not filed any weekly claims.)

Based on the reasons for her employment separation, the claimant is qualified to receive benefits as of June 21, 2009. The claimant did not commit work-connected misconduct and she did not quit her assignment.

DECISION:

The representative's July 17, 2009 decision (reference 01) is affirmed. The claimant's early November 2008 employment separation occurred for reasons that do not constitute work-connected misconduct or a voluntary quit situation. As of June 21, 2009, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw