

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MILIA S BOATMAN
Claimant

APPEAL NO. 09A-UI-03873-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

OC: 01/04/09
Claimant: Respondent (1)

Iowa Code § 96.5-1-j – Separation from Temporary Employment Agency

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated March 4, 2009, reference 04, that concluded the claimant was laid off. A telephone hearing was held on April 6, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. Mike Thomas participated in the hearing on behalf of the employer.

ISSUES:

Was the claimant laid off due to lack of work?

Did the claimant properly notify the employer of the completion of a work assignment?

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer from June 22, 2008, to December 16, 2008. Her last assignment was working at Books R Fun. When she was hired, she signed a statement that she would be considered to have voluntarily quit employment if she did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

On December 16, the supervisor at Books R Fun informed the claimant that she and other temporary workers were laid off until December 29, 2008. The claimant did not contact the employer because she did not consider her assignment to have ended.

The claimant reported to Books R Fun on December 29, 2008, but discovered that she was not being recalled to work. She notified the employer on December 29 that her assignment at Books R Fun had ended. The employer did not have any work for her at that time so she filed for unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a

new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The claimant satisfied the requirements of Iowa Code § 96.5-1-j. Her belief that her work assignment had not ended was reasonable. It is bolstered by the fact that she did not apply for unemployment insurance benefits at that time. After she discovered the assignment had ended, she immediately contacted the employer seeking a new assignment.

DECISION:

The unemployment insurance decision dated March 4, 2009, reference 04, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs