

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AUDELIA SOLIS CARMONA
Claimant

APPEAL NO: 12O-UI-01511-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 10/09/11
Claimant: Appellant (2)

Iowa Code § 96.5(1)j – Temporary Employment Firm – Completion of Assignment

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 3, 2011 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because the claimant had been discharged for disqualifying reasons. The claimant appealed an administrative law judge's December 9, 2011 decision that disqualified her from receiving benefits. The Employment Appeal Board remanded this case to the Appeals Section for a new hearing.

On March 27, 2012, the claimant participated in the hearing. Michael Payne, an unemployment insurance specialist, appeared on the employer's behalf. Ana Pottebaum interpreted the hearing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant qualified to receive benefits.

ISSUE:

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

FINDINGS OF FACT:

The employer is a temporary staffing firm. On August 2, 2011, the claimant signed the employer's policy form that was written in Spanish. The policy informed the claimant that after completing an assignment, it was her responsibility to contact the employer within three days.

The claimant started working for the employer's client, Syngenta, on August 30, 2011. The claimant completed this job assignment on October 7, 2011. The person who interpreted for the employer's representative at Syngenta, Mary Longbine, told the claimant there was no more work for her and she could file for unemployment insurance benefits. The job assignment sheet that the claimant signed after she started working at Syngenta indicated that if the assignment ends, she must contact the employer for another assignment.

The claimant established a claim for benefits during the week of October 9, 2011.

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 she fails to notify the employer. Iowa Code § 96.5(1)j.

This case revolves around the quality of the evidence presented. The employer relied on records that did not indicate the claimant contacted the employer by October 13 for another job assignment. The claimant, however, testified that she talked to the interpreter at Syngenta. This person interpreted for the employer's representative, Mary Longbine. The claimant testified that the employer, through the interpreter, told her the employer did not have another job for her after she completed the assignment at Syngenta. The claimant's testimony is credible and must be given more weight than the employer's testimony. As a result, the claimant's employment separation occurred for non-disqualifying reasons. The claimant reasonably relied on the employer's representative's interpreter that the employer did not have another job to assign the claimant and she was eligible to receive benefits.

DECISION:

The representative's November 3, 2011 determination (reference 01) is reversed. The claimant finished a job assignment. When she finished the assignment, she reasonably relied on an interpreter, who worked for the employer's representative, who told the claimant the employer did not have another job to assign to the claimant. Under these facts, as of October 9, 2011, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw