

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

REECETTA L BENTLEY
Claimant

APPEAL NO: 07A-UI-06702-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

OC: 11/26/06 R: 03
Claimant: Respondent (1)

Section 96.5-1-j – Completion of Temporary Assignment

STATEMENT OF THE CASE:

Labor Ready Midwest, Inc. (employer) appealed a representative's June 28, 2007 decision (reference 07) that concluded Reecetta L. Bentley (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 25, 2007. The claimant participated in the hearing. Kim Thompson, an operations specialist, 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 do not qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary staffing agency. The employer's general policy requires individuals to daily go to the employer's office at 5:30 a.m. and sign a paper indicating they are available to work a particular day. Individuals, who have an on-going assignment, are only required to call the employer to make sure they are needed at an assignment. The employer assigned the claimant to a job on March 9, 2007. This was an on-going assignment so the claimant did not have to go to the employer's office, she just called the employer. When the claimant called on May 23, the employer told her that this job assignment had been completed. The employer did not have another job to assign to the claimant.

When the claimant talked to the employer's representative, she understood all she had to do was call the employer regularly to find out if the employer had another job to assign to her. The claimant kept calling the employer and was told the employer did not have another job for her. The claimant did not understand that she was required to go to the employer's office at 5:30 a.m. every day she was available to work. No one told the claimant she should not be

calling the employer after May 23, 2007, for another job assignment. The employer did not assign the claimant to another job.

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 sections 96.5-1, 2-a. A claimant who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if she 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 claimant in writing of the three-day notification rule and that the claimant may be disqualified from receiving unemployment insurance benefits if she fails to notify the employer. Iowa Code section 96.5-1-j.

The facts establish the claimant completed an assignment. After the employer informed the claimant there was no more immediate work at this assignment, the claimant timely contacted the employer for another assignment. The employer did not assign the claimant to another job. The claimant satisfied the requirements of Iowa Code section 96.5-1-j. Based on these facts, the claimant's May 23, 2007 employment separation does not disqualify her from receiving unemployment insurance benefits. As of May 27, 2007, the claimant is qualified to receive unemployment insurance benefits.

DECISION:

The representative's June 28, 2007 decision (reference 07) is affirmed. The claimant's employment separation is for nondisqualifying reasons because she completed a job assignment and timely inquired about another job. As of May 27, 2007, the claimant is qualified to receive unemployment insurance 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/pjs