

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLES E KYLES

Claimant

APPEAL NO. 07A-UI-00197-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC

Employer

**OC: 11/19/05 R: 03
Claimant: Appellant (2)**

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Charles Kyles filed an appeal from a representative's decision dated January 3, 2007, reference 02, which denied benefits based on his separation from Advance Services, Inc. After due notice was issued, a hearing was held by telephone on January 23, 2007. Mr. Kyles participated personally. The employer participated by Tamara Dostart, Office Manager. Exhibit One was admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether Mr. Kyles 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: Mr. Kyles began working through Advance Services, Inc., a staffing agency, on March 24, 2006. On June 30, he completed an assignment with Highway Equipment, which notified Advance Services, Inc. on June 30 that Mr. Kyles had completed the assignment. Mr. Kyles was in the Advance Services, Inc. office on June 30 to complete paperwork concerning an accident at work. He was not offered further work at that time.

REASONING AND CONCLUSIONS OF LAW:

Mr. Kyles was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Mr. Kyles completed his last assignment on June 30, 2006. Iowa law requires that the temporary agency be given notice that an individual has completed an assignment. Iowa Code section 96.5(1)j. This section provides that "failure of the individual to notify the temporary employment firm of the completion of an assignment within three working days. . . shall be deemed a voluntary quit. . ." Advance Services, Inc. was aware on June 30 that Mr. Kyles had completed his assignment with Highway Equipment.

It appears that either Mr. Kyles notified Advance Services, Inc. or they notified him on June 30 that the assignment was over. It would be pointless to require him to call again to provide information the employer already had. Inasmuch as the employer had timely notice that the assignment was over, Mr. Kyles' separation was not a voluntary quit. Because he completed his last assignment, no disqualification is imposed.

DECISION:

The representative's decision dated January 3, 2007, reference 02, is hereby reversed. Mr. Kyles was separated from Advance Services, Inc. on June 30, 2006 for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs