

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

LUEANN M MAROVEC
5253 – 25TH AVE
VINTON IA 52349

EXPRESS SERVICES INC
PO BOX 720660
OKLAHOMA CITY OK 73172

Appeal Number: 05A-UI-07538-DWT
OC: 06/19/05 R: 03
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

Express Services, Inc. (employer) appealed a representative's July 20, 2005 decision (reference 01) that concluded Lueann M. Marovec (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant became unemployed for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 10, 2005. The claimant participated in the hearing. Heather Wickman, a personnel staffing 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 benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The employer is a staffing agency. The claimant registered to work for the employer on April 14, 2005. The employer assigned the claimant to an assignment on April 22, 2005. The claimant completed the job assignment on May 27, 2005.

When the business told the claimant there was no more work for her to do, the claimant contacted the employer that same day to let the employer know this assignment had been completed. The employer did not have another job to assign to the claimant. The employer indicated records would show the claimant was available to work. The claimant contacted the employer again on June 3 and 9. When the claimant has contacted the employer, the employer has not had any jobs to assign to her.

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. The facts establish the claimant immediately notified the employer her job assignment ended. Under the facts of this case, the claimant is not disqualified from receiving benefits under Iowa Code §96.5-1-j.

The claimant became unemployed as of May 28, 2005, because she completed a job assignment and the employer did not have another job to assign to her. The reasons for the claimant's employment do not disqualify the claimant from receiving benefits as of June 19, 2005.

The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

DECISION:

The representative's July 20, 2005 decision (reference 01) is affirmed. The reasons for the claimant's employment separation do not disqualify her from receiving benefits. Therefore, as of June 19, 2005, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account will not be charged during the claimant's current benefit year.

dlw/kjw