

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

**PATRICIA A WALKER
805 KIRKWOOD BLVD
DAVENPORT IA 52803-4221**

APPEAL NO. 09A-EUCU-00539-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**L A LEASING INC
SEDONA STAFFING
612 VALLEY DR
MOLINE IL 61265**

APPEAL RIGHTS:

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:

***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.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

The name, address and social security number of the claimant.

A reference to the decision from which the appeal is taken.

That an appeal from such decision is being made and such appeal is signed.

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.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICIA A WALKER
Claimant

APPEAL NO. 09A-EUCU-00539-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 05/31/09
Claimant: Appellant (2-R)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated December 22, 2009, reference 02, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on February 4, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Chad Baker participated in the hearing on behalf of the employer. Official notice is taken of the Agency's records regarding the claimant's unemployment insurance claim, which show a decision had already been made on July 15, 2009, regarding this same separation from employment in favor of the claimant on the basis that the claimant had completed her temporary assignment and there is no evidence of any appeal filed by the employer. If a party objects to taking official notice of these facts, the objection must be submitted in writing no later than seven days after the date of this decision.

ISSUE:

Did the claimant contact the employer within three days after completing her last work assignment?

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. When the claimant 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.

The claimant worked for the employer on a temporary work assignment at Fidlar Printing Company from July 3, 2008, to October 29, 2008. She completed the assignment and reported to the employer's place of business on October 31, 2009, and inquired about another assignment, but the employer did not have any work for her. The claimant contacted the employer regularly for several months but the employer did not have any work for her.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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 findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. I believe the claimant's testimony about her asking an account manager about an opening with a company that makes refrigerator parts, both before and on the Friday after her last day of work. She is not subject to disqualification under Iowa Code section 96.5-1-j because she contacted the employer within three days after completing her job at Fidar Printing Company.

In addition, the Agency should have concluded it had made a decision on July 15, 2009, on the same separation and that decision became final and remains in effect.

Finally, the employer stated there had been an offer of work made on July 10, 2009, and the claimant failed to accept that work by not reporting to work as scheduled. While there was some information presented on this issue, I cannot decide the issue because it was not listed on the hearing notice. The issue of whether the claimant failed to accept an offer of suitable work without good cause on July 10, 2009, is remanded to the Agency to investigate and make a determination.

DECISION:

The unemployment insurance decision dated December 22, 2009, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits based on her separation from employment in October 2009, if she is otherwise eligible. The issue of whether the claimant failed to accept an offer of suitable work without good cause is remanded to the Agency to investigate and make a determination.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs