

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

ALICHIA L VELAZQUEZ  
#4 775 BRANDON AVE  
HIAWATHA IA 52233-1351

ADVANCE SERVICES INC  
c/o TALX UC EXPRESS  
PO BOX 66864  
ST LOUIS MO 63166-6864

Appeal Number: 06A-UI-02110-AT  
OC: 07/17/05 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, 4<sup>th</sup> 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 96.5-1-j – Separation from Temporary Employment

STATEMENT OF THE CASE:

Advance Services, Inc. filed a timely appeal from an unemployment insurance decision dated February 8, 2006, reference 03, which allowed benefits to Alichia L. Velazquez. After due notice was issued, a telephone hearing was held on March 20, 2006, with Ms. Velazquez participating and presenting additional testimony by Dennis Jackson. Office Manager Tammy Dostart and Sales Manager Garrett Hoffman participated for the employer. Employer Exhibit One was admitted into evidence.

#### FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Alichia L. Velazquez was initially hired by Advance Services, Inc. on November 21, 2005. At that time she received a separate written notice advising her that she must contact the company within three working days after the end of an assignment to seek reassignment. Ms. Velazquez subsequently worked on assignment at North Liberty Plastics from December 11, 2005 through January 8, 2006. On January 9, 2006 Sales Manager Garrett Hoffman call Ms. Velazquez to advise her that she had been laid off from the assignment at North Liberty Plastics. She inquired about future assignments at that time. Ms. Velazquez also maintained contact with Advance Services after January 9, working another assignment for the company before resigning in order to take better employment.

#### REASONING AND CONCLUSIONS OF LAW:

The question for the administrative law judge is whether the claimant's separation from her assignment on January 8, 2006 was a disqualifying event. The administrative law judge concludes that it was not.

Iowa Code section 96.5-1-j provides that under certain circumstances an individual is disqualified for unemployment insurance benefits if the individual fails to contact the temporary employer within three working days after the end of an assignment. The testimony of Ms. Velazquez, supported by that of Mr. Jackson, persuades the administrative law judge that she made a timely inquiry on the same day that she was notified that her prior assignment had ended. In reaching this conclusion, the administrative law judge realizes that the employer has no record of Ms. Velazquez making such an inquiry. On the other hand, the employer acknowledges contact with Ms. Velazquez on the day in question. Given the volume of assignments and temporary workers which a temporary employer contacts continually, it seems plausible to the administrative law judge that the individual claimant can have a clearer recollection of a specific contact with the temporary firm. The administrative law judge does not question the sincerity or the veracity of the employer's witnesses, only the accuracy of their recollections. No disqualification may be imposed.

From agency benefit payment records, the administrative law judge realizes that Ms. Velazquez has been disqualified for benefits from a prior period of employment. One requalifies for benefits by earning ten times his or her weekly benefit amount in wages for insured work. Agency records do not reveal the total earnings by Ms. Velazquez from Advance Services, Inc. during her assignment in December 2005 and January 2006. The claimant should take that information to her local Workforce Development Center to see whether her earnings were sufficient to requalify her for benefits following her prior disqualification.

#### DECISION:

The unemployment insurance decision dated February 8, 2006, reference 03, is affirmed. The claimant's separation from employment with Advance Services, Inc. on January 8, 2006 was not a disqualifying event. She is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

cs/tjc