

**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**

**COLLEEN E MURPHY  
3145 – 8<sup>TH</sup> ST APT 1  
MARION IA 52302-5452**

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

**Appeal Number: 06A-UI-06020-DWT  
OC: 04/30/06 R: 03  
Claimant: Appellant (2)**

**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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

**Section 96.5-1-j – Temporary Employment**

**STATEMENT OF THE CASE:**

Colleen E. Murphy (claimant) appealed a representative's May 31, 2006 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Advance Services, Inc. (employer) would not be charged because the claimant had voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 29, 2006. The claimant participated in the hearing with her witness, Michael McGuinty. Tamara Dostart, the office manager, appeared on the employer's behalf.

The hearing notice incorrectly included the issue of whether the claimant's appeal was timely. The claimant had until June 12 to file her appeal because June 10 was a Saturday. The claimant faxed her appeal on June 11, 2006. As a result, the administrative law judge ruled at

the beginning of the hearing, timeliness of the claimant's appeal was not an issue because she had filed her appeal within the time allowed by law.

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 qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

#### FINDINGS OF FACT:

The claimant registered to work for the employer, a temporary employment firm, in late August 2005. The claimant informed the employer she only wanted a full time job. The employer gave the claimant information that indicated she had to contact the employer within three working days after an assignment ended or the employer would consider her to have voluntarily quit. The employer also advised the claimant that failure to contact the employer could affect her eligibility to receive unemployment insurance benefits. The employer assigned the claimant to a temp-to-hire job on September 9, 2005. The business client ended the claimant's job assignment on September 23, 2005.

The employer assigned the claimant to another temp-to-hire job on September 26, 2005. The claimant interviewed for the full time job with the business client and believed she had secured the full time job. On October 10, 2005, the employer informed the claimant this assignment had ended and the business client no longer needed her services. The claimant was upset and wanted to know why the business client no longer wanted her to work. The employer did not know the answer, but explained the client did not have to provide any reason for ending a job assignment. The claimant then informed the employer that she only wanted a clerical assignment. The claimant understood the employer did not have another job to assign to her right away.

The employer usually calls people when there is a job assignment a person is qualified to do. The employer did not contact the claimant again. The claimant did not contact the employer for another job assignment after October 10, 2005. The claimant did not contact the employer because she not trust the employer. The employer knew the claimant wanted a full-time job and assigned the claimant to two jobs where she had not been hired to work full time.

The claimant established a claim for unemployment insurance benefits during the week of April 30, 2006. The claimant did not work between October 10, 2005 and April 30, 2006.

#### REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause 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 she fails to notify the employer. Iowa Code § 96.5-1-j. The purpose of this provision is to put the temporary employment firm on notice that a person has completed a job assignment and is available for another assignment. In this case, the employer informed the claimant that her job assignment was over on October 10, 2005. It is understandable that the claimant was upset and may have lost control when she learned she had not been hired full time for a second time and no longer had a job. Since the employer had immediately assigned the claimant to a second job assignment when the first one ended, but did not do so a second time it is reasonable to assume the employer did not have another job to assign to the claimant on October 10, 2005. Based on the facts of this case, the requirements of Iowa Code § 96.5-1-j have been satisfied because the employer knew the claimant became unemployed on October 10. A claimant is not disqualified from receiving benefits if she chooses not to use the employer's services after the employer knows the claimant is unemployed. In this case, the claimant finished a job assignment, the employer knew the assignment had ended and did not have another job to immediately assign the claimant. The claimant's employment separation on October 10, 2005, occurred for reasons that do not disqualify the claimant from receiving benefits.

DECISION:

The representative's May 31, 2006 decision (reference 02) is reversed. The employer informed the claimant her job assignment was over on October 10, 2005, and the employer did not have another job to assign to the claimant at that time. As a result, the claimant's October 10, 2005, employment separation occurred for nondisqualifying reasons. This means as of April 30, 2006, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

dlw/kkf