

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

JOSE W PARADA
314 W CASS ST
OSCEOLA IA 50213

DES STAFFING SERVICES INC
3326 INDIANOLA AVE
DES MOINES IA 50315

Appeal Number: 04A-UI-02116-CT
OC: 01/11/04 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)

871 IAC 24.26(19) – Temporary Employment

STATEMENT OF THE CASE:

DES Staffing Services, Inc. filed an appeal from a representative's decision dated February 16, 2004, reference 02, which held that no disqualification would be imposed regarding Jose Parada's separation from employment. After due notice was issued, a hearing was held by telephone on March 19, 2004. The employer participated by Kathy Anderson, Human Resources Coordinator. Mr. Parada did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Parada began working through DES Staffing

Services, Inc. in February 2002. On January 16, 2004 he accepted an assignment which was to begin on January 19. He called DES after the start of the work shift on January 19 to report that he would be unable to report because his car would not start. He was told that he would be replaced on the assignment and that DES would continue looking for work for him.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Parada was separated from employment for any disqualifying reason. He was hired for placement in temporary work assignments. An individual so employed must complete his last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Mr. Parada's last assignment was to begin on January 19, 2004. He was removed from the assignment because he was not able to report on his first day of the assignment. Mr. Parada did not initiate the separation at that point; DES opted to replace him on the assignment. Therefore, he did not quit the assignment before its completion. The fact that he was late reporting his absence of January 19 is not sufficient grounds on which to conclude that he voluntarily quit.

For the reasons stated herein, the administrative law judge concludes that Mr. Parada was separated from employment on January 19, 2004 for no disqualifying reason. Accordingly, no disqualification is imposed.

DECISION:

The representative's decision dated February 16, 2004, reference 02, is hereby affirmed. Mr. Parada was separated from employment on January 19, 2004 for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/b