

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TAMBRA M KREMER
Claimant

APPEAL NO. 09A-UI-07554-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SPHERION ATLANTIC ENTERPRISES LLS
Employer

OC: 04/05/09
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.26(19) – Temporary Job Completion

STATEMENT OF THE CASE:

The employer filed an appeal from a representative's decision dated May 15, 2009, reference 01, which found the claimant eligible to receive unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 10, 2009. The claimant participated personally. The employer participated by Ms. Misty Evans, Customer Service Representative.

ISSUE:

The issue is whether the claimant voluntarily quit employment or whether the claimant completed a temporary job assignment.

FINDINGS OF FACT:

The administrative law judge having considered all of the evidence in the record, finds: The claimant was employed as a seed counter assigned to work at the Land-O-Lakes facility for three days ending on or about April 11, 2009. The claimant had not been informed that the work assignment was to continue past that date and reasonably concluded that she had completed the temporary assignment. Subsequently the claimant was re-employed and re-assigned by Spherion Atlantic Enterprises.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that the claimant had been employed on a temporary basis and concluded the temporary work assignment on or about April 11, 2009. It does.

The evidence in the record establishes that the claimant was instructed and reasonably concluded that she was to work three days until her employment at the temporary assignment ended on April 11, 2009. The claimant followed the work directives that were given to her and

reasonably believed that she had completed the work assignment and thus did not report back to work the next working day. Subsequently the claimant was rehired by Spherion Atlantic Enterprises and assigned to another temporary job assignment.

871 IAC 24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

DECISION:

The representative's decision dated May 15, 2009, reference 01, is affirmed. The claimant was employed on a temporary basis and completed the job assignment on April 11, 2009 under nondisqualifying conditions. Benefits are allowed, providing the claimant is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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