

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LINDSEY KURREL**

Claimant

**APPEAL NO: 14A-UI-05036-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**

Employer

**OC: 04/20/14**

**Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the May 14, 2014, reference 02, decision that allowed benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on June 4, 2014. The claimant did not respond to the hearing notice by providing a phone number where she could be reached at the date and time of the hearing as evidenced by the absence of her name and phone number on the Clear2There screen showing whether the parties have called in for the hearing as instructed by the hearing notice. The claimant did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Sarah Fiedler, Human Resources Generalist, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time laborer for Team Staffing Solutions last assigned to Winegard from November 19, 2013 to February 13, 2014. The claimant's assignment ended when she was discharged by the client.

The claimant filed an unemployment claim with an effective date of April 6, 2014. After being denied benefits at the fact-finding interview the claimant appealed the representative's decision to the Appeals Section where an administrative law judge reversed the representative's decision and allowed benefits. During that hearing the claimant stated she was looking for work without the assistance of the employer and did not need the employer to look for any further assignments for her and did not want the employer to look for work for her. The employer then filed a separation notice.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

The claimant worked one assignment for the temporary employer and her employment relationship with that employer ended with the completion of that assignment. The claimant did not seek further work from the employer and is not obligated to remain with the temporary employment agency indefinitely, whether seeking work or not. There has not been a new separation from this employer. At best, this could be a matter of whether the claimant refused a suitable offer of work, which there is no evidence supporting that issue, or whether she is able and available for work, and there is no evidence she is not. It is not, however, a new separation from employment because the claimant did not return to work for the employer after February 13, 2014. In order to create a new separation, the claimant would have had to resume active employment.

Inasmuch as the claimant completed the contract of hire with the employer and a decision has been entered regarding that separation, her decision not to return to that temporary employment agency is not disqualifying. Therefore, benefits must be allowed.

**DECISION:**

The May 14, 2014, reference 02, decision is affirmed. The claimant's voluntarily leaving of her employment was not disqualifying. Therefore, benefits are allowed, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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