

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES D STEVENS

Claimant

APPEAL NO: 10A-UI-07863-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC

Employer

OC: 04/04/10

Claimant: Respondent (1)

Section 96.5-1-j – Completion of Temporary Job Assignment

STATEMENT OF THE CASE:

The employer appealed a representative's May 17, 2010 decision (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation was for nondisqualifying reasons. A telephone hearing was held on July 14, 2010. The claimant participated in the hearing. Michael Nicolosi, the branch manager, appeared on the employer's behalf.

Before the hearing ended, the employer's witness disconnected himself from the hearing. The employer became frustrated because the issue the employer addressed was not the issue noted for the hearing. During the hearing, Claimant's Exhibit A, the sign-in sheets the employer sent in as potential exhibits, was admitted as evidence. 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:

In mid-September 2009, did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant registered to work for the employer on November 6, 2008. The employer requires people who want jobs to report to the employer's office every day that the person wants work. The most recent job the claimant accepted was on Friday, September 11, 2009. The claimant completed the work for this client that day. The claimant went to the employer's office on September 12, 14 and 15 and signed in for more work. (Claimant Exhibit A.) The employer did not assign the claimant to another job on any of these days.

The claimant established a claim for unemployment insurance benefits in Iowa during the week of April 4, 2010. Since the claimant established this claim, he has not contacted the employer for a job or gone to the employer's office to let the employer know he is available for work.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause, or an employer discharges him 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 he fails to notify the employer. Iowa Code § 96.5-1-j.

The facts establish the claimant completed a job assignment on September 11, 2009. He went back to the employer the next three days for another job assignment. Even though the employer did not assign the claimant another job, the claimant satisfied the requirements of Iowa Code § 96.5-1-j.

Although the employer requires the people to report to the employer's office every day a person wants a job assignment, the unemployment insurance laws do not require a claimant to keep in contact with one temporary employment firm. When a claimant establishes a claim for benefits, he must make an active search for work. Iowa Code § 96.4-3, but the law does not require him follow the employer's availability requirements once Iowa Code § 96.5-1-j has been satisfied. If the employer personally offers the claimant another job or sends a certified letter that the claimant receives to offer a claimant a suitable job, the claimant's continued eligibility may or may not be affected if he declines an offer of suitable work.

Based on the claimant's September 11, 2009 employment separation, he is qualified to receive benefits as of April 4, 2010.

DECISION:

The representative's May 17, 2010 decision (reference 01) is affirmed. The claimant completed a one-day job assignment and went to the employer for another job assignment the next day. Based on the reasons for his September 12 employment separation, the claimant is qualified to receive benefits as of April 4, 2010, provided he meets all other eligibility requirements. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css