

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JACQUELYNE K THURMAN
Claimant

APPEAL NO. 11A-UI-05616-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

USA STAFFING INC
Employer

OC: 02/27/11
Claimant: Appellant (2)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Jacquelyne Thurman filed an appeal from a representative's decision dated April 12, 2011, reference 02, which denied benefits based on her separation from USA Staffing, Inc. After due notice was issued, a hearing was held by telephone on May 24, 2011. The employer participated by Alissa Douglas, employment consultant. Ms. Thurman did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Ms. Thurman was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Thurman began working through USA Staffing, Inc., a temporary placement firm, on March 12, 2008. Her last assignment was with First Stop Pizza where she began working on March 23, 2010. A representative of USA Staffing, Inc. notified her on April 15, 2010 that the assignment was over. The employer did not have further contact with her until September 14, 2010.

REASONING AND CONCLUSIONS OF LAW:

Ms. Thurman was hired for placement in temporary work assignments. An individual so employed must complete her last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Ms. Thurman completed her last assignment, as she worked until no further work was available for her at First Stop Pizza. The employer's evidence failed to establish that the assignment was ended due to misconduct on her part. Inasmuch as the last assignment was completed, the separation was not a voluntary quit.

The provisions of Iowa Code section 96.5(1)j require that a temporary employee notify the temporary placement firm of the end of an assignment within three working days of the end of the assignment. The temporary firm is required to give the worker written notice of this

requirement. The administrative law judge need not determine whether the notice provided to Ms. Thurman by USA Staffing, Inc. satisfied the requirements of the law. The law provides for a disqualification from benefits if the temporary firm is not notified that an assignment has ended. In the case at hand, it was the temporary firm that notified Ms. Thurman that her assignment with First Stop Pizza was over. The administrative law judge does not believe the law was intended to penalize an individual for not providing the same information she knows the temporary firm already has.

For the reasons cited herein, it is concluded that Ms. Thurman was separated from USA Staffing, Inc. on April 15, 2010 for no disqualifying reason. As such, no disqualification is imposed.

DECISION:

The representative's decision dated April 12, 2011, reference 02, is hereby reversed. Ms. Thurman was separated from USA Staffing, Inc. on April 15, 2010 for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw