

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELODY L HARPER
Claimant

APPEAL NO. 06A-UI-10571-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING
Employer

OC: 07/02/06 R: 03
Claimant: Respondent (4)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Sedona Staffing filed an appeal from a representative's decision dated October 26, 2006, reference 01, which held that the protest to Melody Harper's claim was not timely filed. After due notice was issued, a hearing was held by telephone on November 14, 2006. Ms. Harper participated personally. The employer participated by Colleen McGuinty, Unemployment Benefits Administrator.

ISSUE:

At issue in this matter is whether the employer timely protested Ms. Harper's claim and, if so, whether she was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Harper filed a claim for job insurance benefits effective July 2, 2006. Notice of the claim was mailed to the employer on July 5, 2006. The employer filed a protest by fax on July 13, 2006. The protest was not received by Workforce Development. When the employer had not heard further on the claim, a written inquiry was made on October 18, 2006.

Ms. Harper began an assignment through Sedona Staffing, a temporary placement firm, on April 23, 2006. She was assigned to work full time with Bertch Cabinets. The assignment ended on May 25, 2006 because her services were no longer needed. Ms. Harper was in contact with Sedona Staffing on May 31 but no work was offered at that time. She has not been in contact since that date.

REASONING AND CONCLUSIONS OF LAW:

The first issue is whether the employer's protest was filed timely. The protest was filed prior to the July 17, 2006 due date but, through no fault of the employer, it was not received by Workforce Development. For the above reason, the administrative law judge concludes that the

protest should be deemed timely filed within the meaning of Iowa Code section 96.6(2). Therefore, the administrative law judge has jurisdiction over the separation.

Ms. Harper became separated from employment when her temporary assignment with Bertch Cabinets ended on Thursday, May 25, 2006. She was in contact with Sedona Staffing on May 31, the third working day after May 25 since Monday, May 29 was a holiday. Inasmuch as Ms. Harper completed her last assignment and sought reassignment within three working days of the end of the assignment, she is entitled to benefits pursuant to Iowa Code section 96.5(1)j.

DECISION:

The representative's decision dated October 26, 2006, reference 01, is hereby modified. The employer filed a timely protest to Ms. Harper's claim. She was separated from employment for no disqualifying reason. Benefits are allowed, provided Ms. Harper satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs