

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

DAYTON M HEINS
404 GARDEN RD
AMES IA 50010

ADECCO USA INC
c/o TALK UC EXPRESS
PO BOX 66736
ST LOUIS MO 63166-6736

Appeal Number: 04A-UI-04019-CT
OC: 02/29/04 R: 02
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Adecco USA, Inc. filed an appeal from a representative's decision dated March 29, 2004, reference 02, which held that no disqualification would be imposed regarding Dayton Heins' separation from employment. After due notice was issued, a hearing was held by telephone on May 3, 2004. The employer participated by Mary Gaffney, Office Supervisor, and was represented by Marty Young of Talx UC Express. Mr. Heins submitted a letter, marked and admitted as Exhibit A, in lieu of appearance.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Adecco is a temporary placement firm through which Mr. Heins began accepting assignments in April of 2002. He completed a one-day assignment with Hamilton College on December 17, 2003. On December 18, he was offered an additional assignment with Hamilton College to work full-time hours through at least January 16, 2004. Mr. Heins indicated he was not interested in the assignment. On January 9, he was offered a full-time assignment with Pitney-Bowes, which he also declined. He filed a claim for job insurance benefits effective February 29, 2004.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Heins was separated from employment for any disqualifying reason. He was hired for placement in temporary work assignments. An individual so employed must complete his last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Mr. Heins completed his last assignment and was in contact with Adecco the following day. Inasmuch as he completed his last assignment and was in contact with the temporary agency within three working days after the completion of the assignment, no disqualification is imposed for the separation.

Mr. Heins declined work on December 18 and again on January 9. He did not file a claim for job insurance benefits until February 29. Iowa Workforce Development has no jurisdiction over work refusals which occur prior to the filing of a claim for benefits. See 871 IAC 24.24(8). Therefore, no disqualification is imposed for the work refusals.

DECISION:

The representative's decision dated March 29, 2004, reference 02, is hereby affirmed. Mr. Heins was separated from employment for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/b