

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RANDAL R SMITH**  
Claimant

**APPEAL NO. 07A-UI-01755-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**  
Employer

**OC: 01/07/07 R: 03**  
**Claimant: Respondent (2)**

Section 96.5(1) – Voluntary Quit  
Section 96.3(7) – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Team Staffing Solutions, Inc. (TSS) filed an appeal from a representative's decision dated February 9, 2007, reference 01, which held that no disqualification would be imposed regarding Randal Smith's separation from employment. After due notice was issued, a hearing was held by telephone on March 7, 2007. The employer participated by Sarah Fiedler, Administrative Assistant. Mr. Smith did not respond to the notice of hearing.

**ISSUE:**

At issue in this matter is whether Mr. Smith 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: Mr. Smith began working for TSS, a placement service, in November of 2005. His last assignment was with North American Nutrition, where he began working full time on November 13, 2006. He was released from the assignment on January 8, 2007 but neither he nor North American Nutrition notified TSS of the release. When TSS noted on January 15 that there was no time card for Mr. Smith, he was contacted by phone. At that point, TSS learned that the assignment had ended on January 8.

Mr. Smith was placed in a new assignment on January 22, 2007. He was to work full time for Cole's Quality Foods. He worked seven hours on January 22 and was then sent home because the production line went down. He was told to return on January 24. Mr. Smith reported to work on January 24 but left due to illness before he clocked in. He did not return to the assignment after January 24. Continued work on the assignment would have been available through the end of January. The employer did not hear from Mr. Smith again until February 9 when he called inquiring about further work.

Mr. Smith filed a claim for job insurance benefits effective January 7, 2007. He received \$198.00 in benefits for the week ending January 27 and \$223.00 for each of the weeks ending February 3 and February 10.

**REASONING AND CONCLUSIONS OF LAW:**

Mr. Smith failed to notify TSS that his assignment with North American Nutrition had ended on January 8, 2007. However, he was allowed to continue in the employment in spite of the fact that he did not notify TSS of the end of the assignment within three days after it ended. The provisions of Iowa Code section 96.5(1)a presuppose that an individual becomes separated from employment as a result of the failure to seek reassignment within three days.

Mr. Smith was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). He did not complete his last assignment with Cole's Quality Foods. He last reported to work on January 24 and the assignment was to last through the end of the month. Because he did not complete the assignment, his separation is considered a voluntary quit. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Smith did not participate in the hearing to explain why he stopped reporting to Cole's Quality Foods. The evidence of record does not establish any cause attributable to either TSS or the client company for Mr. Smith's quit. Accordingly, benefits are denied as of the Sunday of the week in which the separation occurred, January 21, 2007.

Mr. Smith has received a total of \$644.00 in job insurance benefits for the weeks ending January 27, February 3, and February 10, 2007. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

**DECISION:**

The representative's decision dated February 9, 2007, reference 01, is hereby reversed. Mr. Smith voluntarily quit employment with TSS for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility. Mr. Smith has been overpaid \$644.00 in job insurance benefits.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs