

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

VICTOR M KROB
PO BOX 607
SOLON IA 52333

LABOR READY MIDWEST INC
ATTN PAYROLL TAX DEPARTMENT
PO BOX 2910
TACOMA WA 98401-2910

LABOR READY MIDWEST INC
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 05A-UI-01208-CT
OC: 12/05/04 R: 03
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)j – Temporary Employment

STATEMENT OF THE CASE:

Labor Ready Midwest, Inc. filed an appeal from a representative's decision dated January 21, 2005, reference 03, which held that no disqualification would be imposed regarding Victor Krob's separation from employment. After due notice was issued, a hearing was held by telephone on February 21, 2005. The employer participated by James Deromedi, Branch Manager. Mr. Krob did not respond to the notice of hearing. The hearing record was reopened for additional testimony and closed on March 1, 2005.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Krob began working through Labor Ready, a temporary placement firm, in October of 2000. In 2004, he completed assignments on July 12, 13, and 14, and August 2. He did not work again for Labor Ready until December 30 when he completed an assignment with First General Services. On January 4, 2005, Mr. Krob was offered a one-day, eight-hour assignment with City Carton Recycling, which paid \$6.50 per hour. He declined the assignment and said he did not want to work for City Carton Recycling.

Labor Ready has provided its employees with written notice that they must seek reassignment within three working days following the end of an assignment. However, a copy of the written requirements is not provided to the employees.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Krob 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. Krob completed all assignments he accepted. There was a span of time between his assignments in July and August and December. The administrative law judge need not determine whether he sought reassignment after the assignments in July and August as Mr. Krob had not been provided the notice required by Iowa Code section 96.5(1)j. This section requires that the temporary employment firm provide the worker with a written copy of the three-day reporting requirement. Although Mr. Krob was notified of the requirement, he was not given a copy of the requirement for his records.

Mr. Krob did seek reassignment within three working days following his last assignment with First General Services. The assignment ended on December 30 and he was in contact with Labor Ready on January 4. Labor Ready was not open for business during the intervening weekend. Mr. Krob declined the work offered on January 4. An individual who refuses an offer of work is only disqualified from receiving benefits if the work offered was suitable work within the meaning of the law. Temporary work assignments are not inherently unsuitable. However, the administrative law judge concludes that a one-day assignment is not suitable work. The administrative law judge believes a work refusal disqualification is only appropriate where the work offered would provide regular, sustained employment. The one day of work offered by Labor Ready was, in essence, casual labor. For this reason, no disqualification is imposed for the refusal.

DECISION:

The representative's decision dated January 21, 2005, reference 03, is hereby affirmed. Mr. Krob was separated from Labor Ready for no disqualifying reason and did not refuse an offer of suitable work on January 4, 2005. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/sc