

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EVA R TOBIAS

Claimant

APPEAL NO. 08A-UI-02231-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC

Employer

**OC: 01/13/08 R: 02
Claimant: Appellant (2)**

Section 96.5-1-j – Voluntary Quit from Temporary Employment

Section 96.6-2 – Timely Appeal

STATEMENT OF THE CASE:

Eva R. Tobias filed a timely appeal from an unemployment insurance decision dated February 15, 2008, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held March 20, 2008 with Ms. Tobias participating. Ike Rocha served as interpreter. The employer, Advance Services, Inc., notified the administrative law judge in writing prior to the hearing that it did not wish to participate.

ISSUES:

Has the claimant filed a timely appeal?

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Eva R. Tobias was employed on assignment by Advance Services, Inc. when her employment ended on November 23, 2007. Within three working days, Ms. Tobias contacted the employer seeking reassignment. None was available.

Ms. Tobias filed a claim for unemployment insurance benefits during the week of January 13, 2008. A fact-finding decision denying unemployment insurance benefits to her was mailed on February 15, 2008. Ms. Tobias received the decision but does not read English. She filed an appeal immediately after learning that the decision had disqualified her.

REASONING AND CONCLUSIONS OF LAW:

The first issue is whether Ms. Tobias' appeal can be accepted as timely. It can. Although not filed within the statutory period of time, the evidence in this record establishes that Ms. Tobias does not read English and filed her appeal immediately upon learning the decision's impact. Under these circumstances, the appeal can be accepted as timely.

The remaining issue is whether the claimant should be disqualified pursuant to section 96.5-1-j of the Code for failing to contact her temporary employment service within three working days after the end of an assignment to seek reassignment. The evidence in this record establishes to the satisfaction of the administrative law judge that Ms. Tobias met that requirement. No disqualification may be imposed.

DECISION:

The unemployment insurance decision dated February 15, 2008, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

css/kjw