

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LINDA J NEWCOMB**  
Claimant

**APPEAL NO. 09A-UI-18539-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**  
Employer

**OC: 11/01/09**  
**Claimant: Appellant (2)**

Section 96.5(1)j – Temporary Employment

**STATEMENT OF THE CASE:**

Linda Newcomb filed an appeal from a representative's decision dated December 4, 2009, reference 01, which denied benefits based on her separation from Team Staffing Solutions, Inc. (TSS). After due notice was issued, a hearing was held by telephone on January 25, 2010. Ms. Newcomb participated personally. The employer participated by Sarah Fiedler, Claims Administrator.

**ISSUE:**

At issue in this matter is whether Ms. Newcomb was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Newcomb began working through TSS, a temporary placement service, in July of 2009. Her last assignment was with Menasha Packaging, where she began working full time on August 11, 2009. She was removed from the assignment on or about October 30 at the client company's request. Ms. Newcomb was notified by telephone by a TSS representative that the assignment was over. She was not offered additional work at that time.

**REASONING AND CONCLUSIONS OF LAW:**

Ms. Newcomb was hired for placement in temporary work assignments. An individual so employed must complete her last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19), (22). Ms. Newcomb completed her last assignment. She was notified by TSS that the assignment was over. Since it was TSS, the temporary agency, that notified her the assignment was over, there would be no need for her to re-contact TSS to make that same report. The provisions of Iowa Code section 96.5(1)j only disqualifies an individual if the temporary placement service is not notified that an assignment has concluded. The purpose of the statute is, no doubt, to give the temporary placement firm notice that an individual is once again available for placement.

As a practical matter, TSS had timely notice that Ms. Newcomb was again available for temporary assignments. However, it did not offer her further work. As such, she is entitled to job insurance benefits.

**DECISION:**

The representative's decision dated December 4, 2009, reference 01, is hereby reversed. Ms. Newcomb was separated from TSS on October 30, 2009 for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css