

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEPHANIE M BAKER
Claimant

APPEAL NO. 08A-UI-01595-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DES STAFFING SERVICES INC
Employer

OC: 01/06/08 R: 03
Claimant: Respondent (4)

Section 96.5-1-a – Voluntary Quit for Other Employment

STATEMENT OF THE CASE:

DES Staffing Services, Inc. (employer) appealed a representative's February 7, 2008 decision (reference 05) that concluded Stephanie M. Baker (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's December 5, 2007 employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 3, 2008. The claimant participated in the hearing. Amy MacGregor, the human resource manager, and Peggy Kacher, the division manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant registered to work for the employer in early 2007. When the claimant registered, she received information that when she completed a job assignment, the employer required her to contact the employer within three working days or the claimant's unemployment insurance benefits could be in jeopardy. On December 5, 2007, the employer asked the claimant to work a one-day job assignment. The claimant completed this job that day, December 5, 2007.

The business client that the claimant worked for on December 5 did not contact the employer for any workers for December 6 or 7. If this business had called and needed workers, the employer would have contacted the claimant because she frequently called asking if the employer had an assignment for her.

The claimant accepted another job with Thomas Cardella Associates. On December 14, the claimant picked up her paycheck from the employer and showed Kacher the badge she had for

her new job. Kacher understood the claimant had started working for Thomas Cardella Associates and the claimant's wage records indicate she received wages from Thomas Cardella Associates. At some point, Thomas Cardella Associates told the claimant she was no longer needed.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. At the end of the day on December 5, 2007, the claimant was unemployed because she completed a job assignment and the employer did not have another job to assign her. It appears that between December 6 and 14, the claimant accepted a job with another employer, Thomas Cardella Associates. While the claimant may not have worked on a scheduled shift, Thomas Cardella Associates paid the claimant wages. (The record does not reflect whether the claimant attended any training for which she may have been paid.) For some reason, this job did not materialize or last very long. When the claimant picked up her pay check from the employer, she gave Kacher the impression she was working for Thomas Cardella Associates.

An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if she fails to notify the employer. Iowa Code § 96.5-1-j. Since the claimant had accepted other employment, this code section does not apply in this case.

A claimant is not disqualified from receiving benefits and the initial employer is not subject to charge when claimant quits because she has accepted other employment. Iowa Code 96.5-1-a.

DECISION:

The representative's February 7, 2008 decision (reference 05) is modified in the employer's favor. In this case, after completing a job assignment, the claimant accepted a job with another employer. The claimant is qualified to receive unemployment insurance benefits, and the employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw