

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARK L ADAMS**

Claimant

**APPEAL NO. 09A-UI-00385-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**USA STAFFING INC – LABOR WORLD**

Employer

**OC: 11/09/08 R: 02  
Claimant: Respondent (1)**

Section 96.5(1)j – Temporary Employment

**STATEMENT OF THE CASE:**

USA Staffing, Inc. filed an appeal from a representative's decision dated January 2, 2009, reference 02, which held that no disqualification would be imposed regarding Mark Adams' separation from employment. After due notice was issued, a hearing was held by telephone on January 27, 2009. Mr. Adams participated personally. The employer participated by Doug Mienders, Area Branch Manager.

**ISSUE:**

At issue in this matter is whether Mr. Adams 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. Adams began working through USA Staffing, Inc. in November of 2003. His last assignment was with Des Moines Asphalt, where he was assigned to work as a flagger on November 17, 2008. The client company did not feel he was doing an adequate job controlling traffic and, therefore, requested that he not return to the assignment. Mr. Adams returned to the USA Staffing, Inc. office at the end of the day on November 17 and advised that he could not return to the assignment. He has not been offered other work since that time.

**REASONING AND CONCLUSIONS OF LAW:**

Mr. Adams 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(22). Mr. Adams completed his last assignment with Des Moines Asphalt as he was asked not to return through no fault of his own. He notified USA Staffing, Inc. at the end of the workday on November 17 that he was no longer at the assignment.

Inasmuch as Mr. Adams reported the completion of his assignment on the same day it ended, November 17, and was not offered other work at that time, he is entitled to job insurance benefits pursuant to Iowa Code section 96.5(1)j.

**DECISION:**

The representative's decision dated January 2, 2009, reference 02, is hereby affirmed. Mr. Adams was separated from USA Staffing, Inc. on November 17, 2008 for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs