

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL MOREDICH
Claimant

APPEAL NO. 08A-UI-08448-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMEDY INTELLIGENT STAFFING INC
Employer

OC: 07/06/08 R: 03
Claimant: Respondent (1)

Section 96.5-2-a – Discharge
Section 96.4-3 – Able to and Available for Work

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated September 8, 2008, reference 02, that concluded he was on a short-term layoff. A telephone hearing was held on October 7, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing. Clint Martin participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

Was the claimant able to and available for work?

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. When the claimant was hired, he signed a statement that he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant worked for the employer at CDS Global from September 24, 2007, to June 20, 2008. He was sick and unable to work on his next day of work, which was June 23. When he called in to notify the employer about his absence, he was told that June 23 would be his last day at CDS Global. The claimant called the employer on June 24 seeking another assignment, but there was no work available. The claimant called periodically afterward, but there was no work available.

The claimant obtained a job with the Department of Veterans Affairs that was to start on August 18, 2008. He called the employer on August 14 to let them know he had obtained employment.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The claimant was laid off due to lack of work and satisfied the requirements of Iowa Code § 96.5-1-j. There is no proof that he was discharged for work-connected misconduct under Iowa Code § 96.5-2-a. The claimant satisfied the conditions of being able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code § 96.4-3.

DECISION:

The unemployment insurance decision dated September 8, 2008, reference 02, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw