

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSEPH S HEATH

Claimant

APPEAL NO. 08A-UI-00138-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DES STAFFING SERVICES INC

Employer

**OC: 12/02/07 R: 03
Claimant: Respondent (1)**

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

DES Staffing Services, Inc. (DES) filed an appeal from a representative's decision dated January 3, 2008, reference 04, which held the no disqualification would be imposed regarding Joseph Heath's separation from employment. After due notice was issued, a hearing was held by telephone on January 22, 2008. Mr. Heath participated personally and offered additional testimony from Amanda Lammers. The employer participated by Amy MacGregor, Human Resources, and Molly Jacobson, Placement Specialist.

ISSUE:

At issue in this matter is whether Mr. Heath 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. Heath began working through DES, a temporary placement firm, on October 17, 2007 and was placed on an assignment with Legacy. He worked full time until November 16, when he was told his services were no longer needed.

Mr. Heath went to the DES office on November 19 to discuss further work. He had been wearing a wrist splint as a result of an injury sustained in a prior job. He was told that finding him a new assignment might be difficult because of his splint, as it limited his work abilities. He was not offered further work on November 19. Mr. Heath was next in contact with the employer on November 21, but there was no discussion of work assignments. He also spoke with the employer on November 26 to obtain wage information. DES has not offered Mr. Heath any work since the end of his assignment with Legacy.

REASONING AND CONCLUSIONS OF LAW:

Mr. Heath was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Mr. Heath completed his last assignment as he worked until his

services were no longer needed. The parties dispute whether he was in contact with the employer within three working days of the end of the assignment as required by Iowa Code section 96.5(1)j. The statute provides that it shall be deemed a voluntary quit if an individual fails to notify the temporary agency of the completion of an assignment. The purpose of this provision is to put the temporary agency on notice that the individual is again available for placement.

In the case at hand, the employer was aware that Mr. Heath's assignment was over as it was the employer who notified him that his services were no longer needed at Legacy. The parties disagree as to whether Mr. Heath was at the DES office in person on November 19. Even if he was not there on November 19, both parties agree that he was there on November 21. November 21 was the third workday following the last day Mr. Heath worked on the assignment. As such, DES had notice within three working days that his assignment was over.

In spite of knowing that Mr. Heath was available for work, DES did not offer him further work. As such, his separation was not a disqualifying event. Accordingly, no disqualification is imposed.

DECISION:

The representative's decision dated January 3, 2008, reference 04, is hereby affirmed. Mr. Heath was separated from DES for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw