

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**IRIS D QUALLS**

Claimant

**APPEAL NO. 08A-UI-11661-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**STAFF SOURCE INC**

Employer

**OC: 10/26/08 R: 03  
Claimant: Respondent (1)**

871 IAC 24.1(113)a – Layoff  
Section 96.4-3 – Able to and Available for Work

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated December 12, 2008, reference 01, that concluded she was laid off for lack of work. A telephone hearing was held on December 30, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing. Ken Peterson participated in the hearing on behalf of the employer.

**ISSUES:**

Was the claimant laid off due to lack of work?

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, she was informed that she needed to contact the employer after the completion of a job assignment and request a new assignment.

The claimant worked for the employer from March 9, 2007, to October 18, 2008, working on various assignments. The last assignment was on October 18, 2008. She worked as a licensed practical nurse for Denver Sunset. It was a one-day assignment, which she completed.

The claimant was in contact with the employer periodically after October 18, 2008. She was contacted about a one-day assignment on November 7, 2008, but could not accept the assignment due to a funeral. She returned a message left for her while she was at the doctor's office on November 13 about an assignment, but by the time she called back, the assignment had been filled. The claimant was available for work after October 18, 2008.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected

misconduct. Iowa Code § 96.5-1 and 96.5-2-a. The evidence fails to show the claimant quit employment or was discharged for misconduct. Instead, she was laid off due to lack of work after October 18. 871 IAC 24.1(113)a

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 is not subject to disqualification under this statute because the employer's policy does not conform to the statute.

The final issue in this case is whether the claimant is able to work and available for work as required by the unemployment insurance law in Iowa Code § 96.4-3. The fact that the claimant was not immediately available for a one-day assignment on November 7 or that an assignment was filled by the time she returned a call made to her on November 13 does not establish she was unavailable for work. The evidence does not show the claimant was avoiding work. She was available for work after her last assignment on October 18.

**DECISION:**

The unemployment insurance decision dated December 12, 2008, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css