

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL D HALSEY
Claimant

APPEAL NO: 14A-UI-05672-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

OC: 04/27/14
Claimant: Appellant (2)

Iowa Code 96.5(1)j – Voluntary Quit Temporary Employment
Iowa Code § 96.6(2) – Timeliness of Appeal

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's May 20, 2014 (reference 03) determination that disqualified him from receiving benefits and held the employer's account exempt from charge because he had voluntarily quit without good cause. The claimant participated at the June 25 hearing. On June 20 the employer's representative, Equifax, notified the Appeals Bureau in writing that the employer was not going to participate at the scheduled hearing.

During the hearing, claimant's Exhibits A and B were offered and admitted as evidence. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

ISSUES:

Did the claimant file a timely appeal or establish a legal excuse for filing a late appeal?

Did the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary employment firm. After the claimant registered to work, the employer assigned him to a job at Tri-Mark. The claimant had been working on a regular basis at this assignment since May 2013. On April 18, 2014, Tri-Mark's production manager told the claimant this would be his last day of work because he had completed the assignment. The claimant immediately contacted the employer to report the hours he worked and asked if the employer had another job to assign him. The employer's representative indicated the employer did not have another job for him then, but would contact him when another assignment became available (Claimant Exhibit A).

The claimant established a claim for benefits during the week of April 27, 2014. A determination was mailed to the parties on May 20, 2014 that disqualified the claimant from receiving benefits.

The determination informed the parties an appeal had to be filed or postmarked on or before May 30, 2014. The claimant went to his local Workforce office on May 28. A Workforce representative attempted to fax the claimant's appeal to the Appeals Bureau, but the fax was not successfully transmitted (Claimant Exhibit B). The Appeals Bureau received the claimant's appeal letter on June 2, 2014.

REASONING AND CONCLUSIONS OF LAW:

The law states that an unemployment insurance determination is final unless a party appeals the determination within ten days after the determination was mailed to the party's last known address. Iowa Code § 96.6(2). The Iowa Supreme Court has ruled appeals must be filed within the time limit set by statute and the administrative law judge has no authority to review a decision if a timely appeal is not filed. *Franklin v. IDJS*, 277 N.W.2d 877, 881 (Iowa 1979); *Beardslee v. IDJS*, 276 N.W.2d 373 (Iowa 1979). In this case, the appeal was filed on April 28; the day the claimant completed or brought it to his local Workforce office. The claimant filed the appeal within the 10-day deadline. He filed a timely appeal. The Appeals Bureau has legal authority to make a decision on the merits of the appeal.

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if he 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 in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if she fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

The facts established that after the claimant learned he had completed the job assignment, he immediately contacted the employer's representative and asked for another assignment. The employer did not have another job to assign to him. The claimant became unemployed after he completed the job assignment. He did not quit and he did not commit work-connected misconduct. The claimant is qualified to receive benefits.

DECISION:

The representative's May 20, 2014 (reference 03) determination is reversed. The claimant filed a timely appeal. The Appeals Bureau has legal jurisdiction to address the merits of the claimant's appeal. The claimant did not voluntarily quit his employment or commit work-connected misconduct. As of April 27, 2014 the claimant is qualified to receive benefits, provided he meets all other eligibility requirement. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/can