

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RACHEL L BESCH
Claimant

APPEAL NO: 12A-UI-04247-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING
Employer

**OC: 03/11/12
Claimant: Respondent (1)**

Iowa Code § 96.5(1)j – Voluntary Quit a Temporary Job

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's April 11, 2012 determination (reference 02) that held the claimant qualified to receive benefits and the employer's account subject to charge because her employment separation was for nondisqualifying reasons. The claimant did not respond to the hearing notice or participate in the hearing. Chad Baker and Carrie Cannon appeared the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits or did the employer discharge her for reasons constituting work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary staffing firm. The claimant registered to work for the employer's clients. While the claimant was working on an assignment, the client and employer granted her time off to have surgery on February 7, 2012. The claimant planned to return to the assignment on February 13. The last day the claimant worked at this assignment was Friday, February 3.

While the claimant was recovering from her surgery, the client lost a contract. On February 13, 2012, the client informed the employer that as a result of losing the contract there was no more work for the claimant to do for the client. When the employer and claimant talked on February 13, the claimant informed the employer she would give the employer a doctor's note when she was released to work. On February 21, the claimant gave the employer a doctor's note dated February 20 that indicated she was released to work as of that day and did not have any work restrictions. On February 21, the claimant asked the employer for another assignment. The employer did not have any job to assign to her then and put her on the call-in log.

REASONING AND CONCLUSIONS OF LAW:

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

The facts reveal the claimant received permission from the client and the employer to be off work for surgery, February 6 through 13, 2012. When the client lost a contract before the claimant was to return to work, she was laid off from work because she completed the work the client had for her to do. As soon as her physician released her to return to work without any work restrictions, the claimant provided her work release to the employer and requested another job assignment. Since the claimant was not released to return to full-duty work until February 20, the three-day rule in Iowa Code § 96.5(1)j does not apply. The facts establish the claimant made a timely request for another job as soon as she was again able to and available for work. As of March 11, 2012, the claimant is qualified to receive benefits. The employer's account is subject to charge.

DECISION:

The representative's April 11, 2012 determination (reference 02) is affirmed. The claimant is qualified to receive benefits as of March 11, 2012, because her February 13, 2012 employment separation was for nondisqualifying reasons. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css