

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CYLE W WELSCH

Claimant

APPEAL NO. 09O-UI-10040-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC

Employer

Original Claim: 01/04/09

Claimant: Appellant (2)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Cyle Welsch filed an appeal from a representative's decision dated February 26, 2009, reference 01, which denied benefits based on his separation from Team Staffing Solutions, Inc. After due notice was issued, a hearing was held by telephone on April 6, 2009. Mr. Welsch participated personally. The employer participated by Sarah Fiedler, Claims Administrator. On May 18, 2009, the undersigned issued a determination reversing the prior determination and the employer appealed. On July 13, 2009, the Employment Appeal Board remanded the matter for the taking of additional evidence.

Pursuant to the remand order, due notice was issued scheduling the matter for a telephone hearing on July 29, 2009. Mr. Welsch participated personally. The employer participated by Sarah Fiedler, Claims Administrator.

ISSUE:

At issue in this matter is whether Mr. Welsch was separated from employment for any disqualifying reason. A secondary issue is whether he contacted the employer's Muscatine, Iowa, office within three working days of the end of his last assignment.

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. Welsch began working for Team Staffing Solutions, Inc., a temporary placement firm, on November 11, 2008. He was assigned to work full-time for Norfolk Iron and Metal. The assignment ended on December 4. Mr. Welsch was notified of the end of the assignment by Team Staffing Solutions, Inc. by telephone on December 5.

Mr. Welsch initially signed up for work at the employer's Muscatine location. He was contacted by its Davenport office and offered the work with Norfolk Iron and Metal. When the Davenport office notified him that the assignment was over, he was told he should contact the Muscatine office if he only wanted future assignments in Muscatine. Mr. Welsch did not contact the Muscatine office, which usually has machine operator and general laborer positions available.

REASONING AND CONCLUSIONS OF LAW:

Mr. Welsch became separated from employment on December 4, 2008 because his temporary assignment ended. He did not contact Team Staffing Solutions, Inc. within three working days of the end of the assignment. However, it was the employer that notified him that the assignment was over. Therefore, the employer already knew he was available for reassignment. Mr. Welsch cannot be disqualified for not contacting the employer to provide information the employer had just provided to him. For the above reasons, his failure to contact Team Staffing Solutions within three days of December 4, 2008 will not result in disqualification under Iowa Code section 96.5(1)j.

It is true that Mr. Welsch did not contact the employer's Muscatine location within three working days of December 4. However, the Muscatine office had shared information with the Davenport office regarding his availability. Otherwise, the Davenport office would not have contacted him for the Norfolk Iron and Metal assignment. It was not unreasonable for Mr. Welsch to assume that the Davenport office would, in turn, share information with the Muscatine office to the effect that he was again available for work. For the above reasons, his failure to contact the Muscatine office directly was not a disqualifying event.

DECISION:

The representative's decision dated February 26, 2009, reference 01, is hereby reversed. Mr. Welsch was separated from Team Staffing Solutions, Inc. on December 4, 2008 for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw