

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DALBERT D MWEKTO
Claimant

APPEAL NO. 11A-UI-07357-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMEDY TEMPORARY SERVICES INC
Employer

**OC: 03/06/11
Claimant: Appellant (2)**

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Dalbert Mwekto filed an appeal from a representative's decision dated May 27, 2011, reference 07, which denied benefits based on his separation from Remedy Temporary Services, Inc. (Remedy). After due notice was issued, a hearing was held by telephone on June 29, 2011. Mr. Mwekto participated personally. The employer did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Mr. Mwekto was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Mwekto initially performed services for Remedy from March until May of 2010. He completed his last assignment and immediately requested additional work. He did not work for Remedy again until March of 2011. He worked full time for Omega Cabinets until March 30, 2011. He contacted Remedy on March 31 seeking a new assignment.

Mr. Mwekto has performed services for Remedy after March 31, 2011. He maintains constant contact when he is not on an assignment.

REASONING AND CONCLUSIONS OF LAW:

Mr. Mwekto was hired for placement in temporary work assignments. An individual so employed must complete his last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Mr. Mwekto's current claim was filed effective March 6, 2011. He successfully completed his last assignment with Remedy before that date in May of 2010. He also completed an assignment on March 30, 2011. Inasmuch as he completed his work assignments, his separations in May of 2010 and March of 2011 were not voluntary quits.

Mr. Mwekto was immediately in contact with Remedy at the end of his assignments. Since he sought reassignment within three working days of his assignments ending, he is entitled to job insurance benefits pursuant to Iowa Code § 96.5(1)j.

DECISION:

The representative's decision dated May 27, 2011, reference 07, is hereby reversed. Mr. Mwekto was separated from Remedy for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs