

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ASHLEY D SHAW
Claimant

APPEAL NO. 09A-UI-07959-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MEDICAL STAFFING NETWORK INC
Employer

OC: 02/15/09
Claimant: Respondent (1)

871 IAC 24.26(19) – Temporary/Casual Labor

STATEMENT OF THE CASE:

Medical Staffing Network, Inc. (MSN) filed an appeal from a representative's decision dated May 20, 2009, reference 03, which held that no disqualification would be imposed regarding Ashley Shaw's separation from employment. After due notice was issued, a hearing was held by telephone on June 18, 2009. Ms. Shaw participated personally. The employer participated by Jody Faust, Area Manager, and was represented by Kelly Batista of TALX Corporation.

ISSUE:

At issue in this matter is whether Ms. Shaw 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: Ms. Shaw began working through MSN on August 22, 2008 as a certified nursing assistant. The employer provides medical personnel to other entities on an as-needed basis. Ms. Shaw last performed services on February 3, 2009. She called on February 9 to report that she could not work because she was suffering from "pink eye."

Ms. Shaw saw a doctor on February 10. She knew a release from her doctor was necessary for the employer to place her on a new assignment. She did not provide MSN with a doctor's note and knew that by not doing so, she would be placed on inactive status.

REASONING AND CONCLUSIONS OF LAW:

Ms. Shaw was hired to work on-call as her services were needed. The employer described her work as "per diem" work. The administrative law judge concludes that she was a casual laborer within the meaning of 871 IAC 24.25(19). Casual laborers are not required to continue seeking temporary work assignments. As such, no disqualification is imposed regarding Ms. Shaw's separation.

DECISION:

The representative's decision dated May 20, 2009, reference 03, is hereby affirmed. Ms. Shaw was separated from MSN for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css