

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KATHREN W NELSON**

Claimant

**APPEAL NO. 10A-EUCU-01181-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**

Employer

**OC: 03/07/10**

**Claimant: Respondent (1)**

Section 96.5-2-a - Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's December 9, 2010 determination (reference 02) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation was for non-disqualifying reasons. The claimant participated in the hearing. Lauren Prentiss, a marketing specialist, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant 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 work-connected misconduct?

**FINDINGS OF FACT:**

The claimant applied on-line for a job at Eaton. The claimant did not initially know she would be working for the employer, who would then assign her to the job at Eaton. When the employer contacted the claimant to complete paperwork so she could work at Eaton, the claimant completed the necessary paperwork on Friday and started working at Eaton the next week.

Eaton contacted the employer to let the employer know the claimant was no longer needed at Eaton as of November 9, 2010. The employer contacted the claimant by phone and told her that her job at Eaton was over. When the employer asked if she was still interested in working with or for the employer, the claimant indicated she was. The claimant assumed the employer would contact her if they had another job assignment for her. While the claimant did not contact the employer again, she continued to look for work.

**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 her 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 he fails to notify the employer. Iowa Code § 96.5-1-j.

In this case, the client informed the employer the claimant was not needed after November 9, 2010. The employer's representative then informed the claimant her assignment at Eaton had ended. Since the claimant told the representative she would be interested in working for the employer again, the representative could have, but did not, tell her about another assignment. Based on her conversation with the employer's representative, the claimant reasonably believed the employer would contact her if there was another job to assign to her. Under these facts, Iowa Code § 96.5-1-j does not apply. The claimant became unemployed as of November 9 because the employer's client ended her assignment. There is no evidence the claimant committed work-connected misconduct. Therefore, as of November 7, 2010, the claimant is qualified to receive benefits.

During the claimant's current benefit year, the employer is not one of her base period employers and will not be charged for benefits paid to the claimant.

**DECISION:**

The representative's December 9, 2010 determination (reference 02) is affirmed. The claimant became unemployed as of November 9 because the employer's client no longer needed her services. The claimant became unemployed for reasons that do not constitute work-connected misconduct. Based on the reasons for this employment separation, the claimant is qualified to receive benefit as of November 7, 2010, provided she meets all other eligibility requirements. The employer's account will not be charged during the claimant's current benefit year.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw