

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSH E BUTLER

Claimant

APPEAL NO. 10A-UI-04190-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC

Employer

OC: 01/24/10

Claimant: Respondent (1)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Labor Ready Midwest, Inc. filed an appeal from a representative's decision dated March 5, 2010, reference 03, which held that no disqualification would be imposed regarding Josh Butler's separation from employment. After due notice was issued, a hearing was held by telephone on May 5, 2010. Mr. Butler participated personally. The employer participated by Michael Nicolosi, Branch Manager. Exhibits One, Two, and Three were admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether Mr. Butler 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. Butler began working through Labor Ready in September of 1997. On August 15, 2009, he was placed on an indefinite assignment with Zimmerman Sales where he worked full time until August 29, 2009. On August 29, a representative from Labor Ready notified Mr. Butler that he was not to return to the assignment.

REASONING AND CONCLUSIONS OF LAW:

Mr. Butler 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), (22). Mr. Butler completed his assignment with Zimmerman Sales as he worked until no further work was available. Iowa Code section 96.5(1)j requires an employee of a temporary placement firm to notify the firm that an assignment has ended within three working days of completion of the assignment. Such notice is to let the firm know that the individual is again available for placement. The failure to provide such notice constitutes a voluntary quit. The administrative law judge believes the statute presupposes that the temporary firm is not otherwise notified that the assignment has been completed.

In the case at hand, it was the temporary placement firm that notified Mr. Butler that his assignment was over. It would serve no purpose for him to re-contact the firm to provide the same information it had just provided him. Therefore, even if the administrative law judge were to conclude that Mr. Butler did not make contact within three working days of the end of his assignment, it would not be a disqualifying factor. While reporting to the Labor Ready offices may be a condition for placement, it is not a condition for the receipt of job insurance benefits.

DECISION:

The representative's decision dated March 5, 2010, reference 03, is hereby affirmed. Mr. Butler was separated from Labor Ready for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs