

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SONJA L WARREN
Claimant

APPEAL NO. 07A-UI-06679-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

OC: 12/06/06 R: 03
Claimant: Respondent (1)

Section 96.5-1-j – Temporary Employment

STATEMENT OF THE CASE:

Labor Ready Midwest, Inc. (employer) appealed a representative's June 26, 2007 decision (reference 05) that concluded Sonja L. Warren (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 24, 2007. The claimant participated in the hearing. Kim Thompson, an operations specialist, appeared on the employer's behalf. At the time of the hearing, the employer made a request to continue the hearing. This request was denied because it had not been made prior to the scheduled hearing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary staffing firm. The claimant registered to work for the employer's clients on May 7, 2006. The employer assigned the claimant to work at Green & Associates on March 27, 2007. The claimant called each day to make sure there was work at this business before she went to work. On May 31, 2007, the client informed the employer that the job the claimant had been working was done. The client indicated that when there was again work for people to do, the employer would be contacted.

The employer informed the claimant she had completed the job on May 31, 2007. On June 4, 2007, the claimant called the employer and asked if the employer had another job to assign her. The employer informed the claimant the only jobs the employer had were for roofers. The claimant called a few days later and learned the only jobs the employer had were for roofers and constructions workers. Neither of these jobs was suitable for the claimant.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. A claimant who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if she 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 claimant in writing of the three-day notification rule and that the claimant may be disqualified from receiving unemployment insurance benefits if she fails to notify the employer. Iowa Code § 96.5-1-j.

The facts establish the claimant completed an assignment. After the employer informed the claimant there was no more immediate work at this assignment, the claimant contacted the employer within three working days for another assignment. The employer did not have any jobs suitable for the claimant. The claimant satisfied the requirements of Iowa Code § 96.5-1-j. Based on these facts, the claimant's May 31, 2007 employment separation does not disqualify her from receiving unemployment insurance benefits. As of May 27, 2007, the claimant is qualified to receive unemployment insurance benefits.

The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

DECISION:

The representative's June 26, 2007 decision (reference 05) is affirmed. The claimant's employment separation is for nondisqualifying reasons because she completed a job assignment and timely inquired about another job. As of May 27, 2007, the claimant is qualified to receive unemployment insurance benefits, provided she meets all other eligibility requirements. The employer's account will not be charged during the claimant's current benefit year.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css