

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**JASON A REX
706 ANDERSON ST
MANCHESTER IA 52057**

**CAMBRIDGE TEMPOSITIONS INC
610 – 32ND AVE SW
CEDAR RAPIDS IA 52404**

**Appeal Number: 05A-UI-11812-CT
OC: 10/09/05 R: 04
Claimant: Respondent (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Cambridge Tempositions, Inc. filed an appeal from a representative's decision dated November 9, 2005, reference 01, which held that no disqualification would be imposed regarding Jason Rex' separation from employment. After due notice was issued, a hearing was held by telephone on December 7, 2005. The employer participated by Krista Even, Account Manager. Exhibit One was admitted on the employer's behalf. Mr. Rex did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Rex began working through Cambridge

Tempositions, Inc., a temporary placement firm, on June 21, 2004. He was assigned to work full time for Apache Hose and Belting. He was notified by telephone on October 11, 2005 that the assignment was over. He was not offered a new assignment at the time.

On October 18 and again on October 25, Cambridge Tempositions, Inc. left messages for Mr. Rex to call regarding work. He returned a call on October 26 and indicated he had moved away from the area and was planning on joining the Army.

At the time of hire, Mr. Rex was given a five-page employee handbook. One of the items covered in the handbook is the requirement that an individual seek reassignment within three working days of the end of an assignment. The requirement is not provided in any other document.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Rex was separated from employment for any disqualifying reason. He was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Because Mr. Rex completed his assignment with Apache Hose and Belting, it is concluded that his separation on October 11, 2005 was not a disqualifying event.

Mr. Rex was not required to continue seeking work through Cambridge Tempositions, Inc. unless the provisions of Iowa Code section 96.5(1)j were satisfied. These provisions require that the temporary placement firm provide notice that an individual has three working days in which to seek reassignment when an assignment ends. The law further provides that such notice be separate from any other terms and conditions of the employment. The notice provided to Mr. Rex by Cambridge Tempositions, Inc. does not satisfy the requirements of the law, as it is contained in a handbook that addresses other matters related to the employment. Because Mr. Rex did not receive the notice required by law, the provisions of section 96.5(1)j may not serve as the basis of a disqualification from benefits.

DECISION:

The representative's decision dated November 9, 2005, reference 01, is hereby affirmed. Mr. Rex was separated from Cambridge Tempositions, Inc. for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/kjw