

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

KENNY L WILLIAMS
1019 LE CLAIRE
DAVENPORT IA 52803

LABOR READY MIDWEST INC
ATTN PAYROLL TAX DEPARTMENT
PO BOX 2910
TACOMA WA 98401-2910

Appeal Number: 04A-UI-10937-CT
OC: 08/22/04 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 871IAC24.26(19) – Temporary Employment

STATEMENT OF THE CASE:

Labor Ready Midwest, Inc. filed an appeal from a representative's decision dated September 28, 2004, reference 02, which held that no disqualification would be imposed regarding Kenny Williams' separation from employment. After due notice was issued, a hearing was held by telephone on November 2, 2004. The employer participated by Cathy Archer, Assistant Branch Manager. Mr. Williams did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Williams has worked for Labor Ready periodically since July 24, 1997. Prior to filing his claim for job insurance benefits, he had last worked on August 23, 2004 when he completed an assignment with Tri-City Heat. Mr. Williams did not thereafter contact Labor Ready for further work. He had not signed any document advising him to seek reassignment within three working days following the end of an assignment.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Williams was separated from employment for any disqualifying reason. He was hired by Labor Ready 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). Mr. Williams completed his last assignment. He was not required to continue seeking work through Labor Ready unless the provisions of Iowa Code section 96.5(1)j were satisfied. This section requires the temporary placement firm to give the employee written notice that he must seek reassignment within three working days following the completion of an assignment. Because Mr. Williams was not given this notice, he was not required by 871 IAC 24.26(19) to continue seeking temporary work assignments. Although this may have been a condition for placement through Labor Ready, it is not a condition for the receipt of job insurance benefits.

For the reasons stated herein, the administrative law judge concludes that Mr. Williams was separated from employment for no disqualifying reason. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated September 28, 2004, reference 02, is hereby affirmed. Mr. Williams was separated from Labor Ready for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/kjf