

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN C ZODY

Claimant

APPEAL NO. 08A-UI-02986-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES

Employer

**OC: 08/05/07 R: 02
Claimant: Respondent (1)**

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Temp Associates filed an appeal from a representative's decision dated March 25, 2008, reference 02, which held that no disqualification would be imposed regarding Kevin Zody's separation from employment. After due notice was issued, a hearing was held by telephone on April 9, 2008. Mr. Zody participated personally. The employer participated by Nancy Mullaney, Manager.

ISSUE:

At issue in this matter is whether Mr. Zody was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Zody began working through Temp Associates in November of 2006. He registered for work at the employer's Marshalltown office. On August 20, 2007, the employer's Grinnell office placed him in an assignment with Montezuma Manufacturing. He was notified on March 1, 2008 that he was being removed from the assignment because of his attendance. His absences had all been due either to illness or weather conditions. He had been verbally warned about his attendance. The final absence was on February 28 when Mr. Zody missed work due to weather conditions.

Temp Associates did not offer Mr. Zody further work on March 1. He was in contact with the employer's Marshalltown office on March 4. He left a voice message but did not receive a return call. He called again on March 13 and spoke to a representative but was not offered work.

REASONING AND CONCLUSIONS OF LAW:

Mr. Zody 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). Mr. Zody completed an assignment on March 1, 2008 as work was no

longer available to him after that date. Therefore, his separation was not a voluntary quit. Although his attendance was unsatisfactory while employed by Montezuma Manufacturing, excessive unexcused absenteeism was not established. He lived at least 40 miles from work. It was not unreasonable for him to remain away from work when road conditions presented a hazard.

Mr. Zody was in contact with Temp Associates within three working days of the end of his assignment but was not offered any further work. He contacted the office where he had originally registered for work. For the reasons cited herein, it is concluded that he satisfied the requirements of Iowa Code section 96.5(1)j and is entitled to job insurance benefits.

DECISION:

The representative's decision dated March 25, 2008, reference 02, is hereby affirmed. Mr. Zody was separated from Temp Associates on March 1, 2008 for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs