

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVE N ALGER
Claimant

APPEAL NO. 09A-UI-05280-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

USA STAFFING INC
Employer

OC: 11/09/08
Claimant: Respondent (1)

Section 96.5-1-j – Separation from Temporary Employment

STATEMENT OF THE CASE:

USA Staffing, Inc. filed a timely appeal from an unemployment insurance decision dated March 27, 2009, reference 04, that allowed benefits to Steve N. Alger. After due notice was issued, a telephone hearing was held May 1, 2009 with Mr. Alger participating. Account Manager Roger Nielsen participated for the employer.

ISSUE:

Was the claimant's separation from employment in November 2008 a disqualifying event?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Steve N. Alger worked a temporary assignment for USA Staffing during the week of November 3 through November 7, 2008. When he came to pick up his paycheck on the following Monday, he inquired about further assignments. He was told to leave his name and phone number.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant's separation from employment on November 7, 2008 was a disqualifying event. It was not.

Iowa Code section 96.5-1-j provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department, but the individual shall not be disqualified if the department finds that:

j. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm of completion of an employment assignment and who seeks reassignment. Failure of the individual to notify the temporary employment firm of completion of an employment assignment within three working days of the completion of each employment assignment under a contract of hire shall be deemed a voluntary quit unless the individual was not advised in writing of the duty to notify the temporary employment firm upon completion of an employment assignment or the individual had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter.

To show that the employee was advised in writing of the notification requirement of this paragraph, the temporary employment firm shall advise the temporary employee by requiring the temporary employee, at the time of employment with the temporary employment firm, to read and sign a document that provides a clear and concise explanation of the notification requirement and the consequences of a failure to notify. The document shall be separate from any contract of employment and a copy of the signed document shall be provided to the temporary employee.

For the purposes of this paragraph:

(1) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their work force during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(2) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

The evidence in this record persuades the administrative law judge that the claimant complied with the provisions of the Code section set forth above by contacting the employer within three working days after the end of his previous assignment to seek further assignment. No disqualification may be imposed.

DECISION:

The unemployment insurance decision dated March 27, 2009, reference 04, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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