

**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**

**Appeal Number: 04A-UI-01685-CT
OC: 01/04/04 R: 03
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.**

**ROY J STOVER
349 NETA DR
MARION IA 52302**

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.

**EXPRESS SERVICES INC
PO BOX 720660
OKLAHOMA CITY OK 73172**

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:

Express Services, Inc. filed an appeal from a representative’s decision dated February 10, 2004, reference 01, which held that no disqualification would be imposed regarding Roy Stover’s separation from employment. After due notice was issued, a hearing was held by telephone on March 9, 2004. Mr. Stover participated personally. The employer participated by Laura Schlitter, Staffing Consultant. Exhibit One was admitted on the employer’s behalf.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Stover began accepting assignments through Express Services, Inc. in October of 1999. His last assignment was with Valley Apparel where he began working on August 21, 2003. He was notified on September 1 that the assignment was over. Mr. Stover was in contact with the employer on September 4, 8, and 10 but, no work was available for him on any of those dates. He stopped making contact because no work was being provided.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Stover was separated from employment for any disqualifying reason. He was hired 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. Mr. Stover completed his last assignment and would not be required to seek further work unless the provisions of Iowa Code Section 96.5(1)j are applicable. The law only requires that he seek reassignment within three working days following the end of an assignment. Mr. Stover did, in fact, seek reassignment within three days following September 1. His call on September 4 did not result in him being placed in an assignment. The provisions of 871 IAC 24.26(19) do not require that Mr. Stover continue seeking work through the temporary firm once he makes the required contact three days following the end of an assignment. Although the employer may require periodic contact to ascertain an individual's availability in order to make placements, the law does not require it as a condition of receiving job insurance benefits.

After considering all of the evidence, the administrative law judge concludes that Mr. Stover was separated from employment for no disqualifying reason. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated February 10, 2004, reference 01, is hereby affirmed. Mr. Stover was separated from employment for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/b