

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MELISSA L BEMER-UGALDE**  
Claimant

**APPEAL NO: 06A-UI-09516-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEDONA STAFFING INC**  
Employer

**OC: 11/27/05 R: 03  
Claimant: Respondent (1)**

Section 96.5-1-j – Voluntary Quit Temporary Employment

**STATEMENT OF THE CASE:**

Sedona Staffing, Inc. (employer) appealed a representative's September 20, 2006 decision (reference 04) that concluded Melissa L. Bemmer-Ugalde (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant became unemployed for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 10, 2006. The claimant participated in the hearing. Colleen, McGuinty, the unemployment insurance benefits administrator, and Tom Appel, an account manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant registered to work for the employer in August 2002. The employer assigned the claimant to either light industrial work or customer service work assignments. Most recently, the employer assigned the claimant to a customer service job that started in February 2006. On August 11, 2006, the employer received information that this job assignment for the claimant and other temporary employees would end on August 18, 2006. The employer informed the claimant of this fact on August 11, 2006. The claimant understood she needed to contact the employer for another job assignment.

On August 18, the client asked the claimant and some other temporary employees to interview for a permanent job. The claimant interviewed for the job on August 18. The client offered the claimant a job, which she started on September 5, 2006. The claimant completed the employer's job assignment on August 18, 2006.

On August 22 or 23, the claimant contacted the employer to see if the employer had any short-term assignments. The employer's representative told the claimant the employer had no short-term jobs to assign to her.

The claimant reopened her claim for unemployment insurance benefits during the week of August 20, 2006. The claimant filed claims for the weeks ending August 26 and September 2, 2006. The claimant received her maximum weekly benefit amount of \$288.00 for each of these weeks. The claimant started working full time on September 5, 2006.

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code sections 96.5-1, 2-a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code section 96.5-1-j. In this case, a preponderance of the evidence establishes the claimant contacted the employer within three working days after completing a job assignment. Therefore, the claimant is not disqualified from receiving benefits under Iowa Code 96.5-1-j.

The claimant did not work between August 18 and September 5, 2006, because the employer did not have any work to assign to the claimant. Therefore, the claimant's unemployed status occurred for nondisqualifying reasons.

During the claimant's current benefit year, the employer is not one of the claimant's base period employers and will not be charged for any benefits the claimant may receive.

#### **DECISION:**

The representative's September 20, 2006 decision (reference 04) is affirmed. After the claimant completed a job assignment and contacted the employer for another short-term assignment, the employer did not have a job to assign to the claimant. The claimant's unemployed status

occurred for nondisqualifying reasons. As of August 20, 2006, the claimant is qualified to receive unemployment insurance benefits, provided she meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs