

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMY L GAYTAN
Claimant

APPEAL NO. 09A-UI-15663-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

**Original Claim: 06/28/09
Claimant: Respondent (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Temp Associates filed an appeal from a representative's decision dated October 8, 2009, reference 02, which held that no disqualification would be imposed regarding Amy Gaytan's separation from employment. After due notice was issued, a hearing was held by telephone on November 20, 2009. Ms. Gaytan participated personally. The employer participated by Judy Rebik, Manager.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Gaytan began working for Temp Associates on February 11, 2008 and was assigned to work full-time for Fisher Controls. On or about June 18, 2009, Fisher Controls notified her that the assignment would be ending on June 26, 2009. She immediately sent an email to Temp Associates to advise of the ending date.

Ms. Gaytan completed her assignment on Friday, June 26. On the following Tuesday, June 30, she reported to the Temp Associates office and submitted her updated resume. She was not offered further work at that time. She called regarding work on July 10 and July 27 but none was available. She was offered an assignment on July 15 but was rejected by the client customer because she did not have the desired skills. On July 31, she was offered the opportunity to interview with Mycogen Seeds and an interview was scheduled for August 5. On August 5, Ms. Gaytan notified Temp Associates that she was relocating to Texas because her husband had been offered work there.

REASONING AND CONCLUSIONS OF LAW:

Ms. Gaytan was hired by Temp Associates for placement in temporary work assignments. An individual so employed must complete her last assignment in order to avoid the voluntary quit

provisions of the law. The parties do not dispute the fact that Ms. Gaytan completed her assignment with Fisher Controls. She sought reassignment within three working days after her assignment ended. Therefore, she is entitled to benefits pursuant to Iowa Code section 96.5(1)j.

Once she completed her last assignment and sought reassignment within three working days thereafter, Ms. Gaytan was not obligated to continue seeking work through Temp Associates. See 871 IAC 24.26(19), (22). Inasmuch as she was not obligated to continue seeking work, her notice to Temp Associates that she was relocating and no longer available did not constitute a disqualifying event.

The administrative law judge has considered the fact that Ms. Gaytan had an interview scheduled with Mycogen Seeds before she gave notice of her intent to move. Because she had to interview for the position, there is the possibility she would not have been selected for the assignment. The administrative law judge concludes that the offer to interview did not constitute an offer of work within the meaning of Iowa Code section 96.5(3)a. Therefore, she cannot be disqualified for refusing work.

After considering all of the evidence, the administrative law judge concludes that there is no basis on which to disqualify Ms. Gaytan from receiving job insurance benefits.

DECISION:

The representative's decision dated October 8, 2009, reference 02, is hereby affirmed. Ms. Gaytan was separated from Temp Associates for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw