

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CAREY J WHEELER
Claimant

APPEAL NO: 07A-UI-04975-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALLSTAR STAFFING
Employer

**OC: 07/30/06 R: 04
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Carey J. Wheeler (claimant) appealed a representative's May 9, 2007 decision (reference 07) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Allstar Staffing (employer) was not subject to charge because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 31, 2007. The claimant participated in the hearing. Jane Brown, a human resource representative, 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 do not qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant registered to work for the employer's clients in September 2006. The employer assigned the claimant to a job on September 30, 2006. After the claimant completed this job assignment, the employer assigned the claimant to another job. This second job lasted three days or until April 11, 2007, because the claimant completed all the work this client had for her to do.

The employer did not have another job to assign the claimant after April 11, 2007. The claimant reopened her claim for unemployment insurance benefits during the week of April 15, 2007. On April 17, the employer sent the claimant's résumé to another business to see if the claimant was qualified for their job opening. On April 23, 2007, the claimant informed the employer she had accepted employment with Data Dimensions and was no longer available to work for the employer. The claimant started her full-time job with Data Dimensions on April 30, 2007.

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. The claimant's employment separation with the employer occurred on April 11 when the claimant finished a job assignment and the employer did not have another job to assign to her right away. Since the claimant finished or completed a job assignment and became unemployed after completing a temporary job, she is not disqualified from receiving benefits based on this employment separation.

While the claimant was unemployed, she looked for other work. The claimant was fortunate to become reemployed as of April 30, 2007. Even though the claimant informed the employer on April 23 that she had accepted other employment and was no longer available to work for the employer, this does not disqualify her from receiving unemployment insurance benefits.

As of April 15, 2007, the claimant is qualified to receive unemployment insurance benefits. This means the claimant is eligible to receive benefits for the weeks ending April 21 and 28, 2007.

DECISION:

The representative's May 9, 2007 decision (reference 07) is reversed. The claimant's employment separation with the employer occurred on April 11, 2007, when the claimant completed a job assignment and the employer did not have another job to assign her. The fact the claimant informed the employer she was no longer available to work for the employer on April 23, 2007, does not disqualify or make the claimant ineligible to receive benefits because she accepted employment with another employer. As of April 15, the claimant is qualified to receive benefits and she is eligible to receive benefits for the weeks ending April 21 and 28, 2007.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs