

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES W JENNINGS JR
Claimant

APPEAL NO. 10A-UI-02881-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

STAFFING PROFESSIONALS
Employer

**Original Claim: 01/10/10
Claimant: Respondent (1)**

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Staffing Professionals filed an appeal from a representative's decision dated February 11, 2010, reference 03, which held that no disqualification would be imposed regarding James Jennings' separation from employment. After due notice was issued, a hearing was held by telephone on April 6, 2010. The employer participated by Stacy Navarro, Human Resources Manager. Mr. Jennings did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Mr. Jennings 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: Mr. Jennings has been working through Staffing Professionals since October of 2005. His last assignment was with PDM Distribution (PDM), where he worked full time from May 3, 2007 until March 30, 2009. On March 30, Staffing Professionals notified its workers at PDM that a different staffing agency, ASI, would be taking over the contract to provide workers to PDM.

On March 31, 2009, Mr. Jennings contacted Staffing Professionals to see if it had other work available. When he was told it did not, he indicated he would contact ASI about work. There were other workers from PDM who chose to remain with Staffing Professionals.

REASONING AND CONCLUSIONS OF LAW:

The employer contended that Mr. Jennings voluntarily quit his employment. The administrative law judge disagrees. He left the employment because Staffing Professionals did not have further work for him. He completed his assignment with PDM, as he worked until Staffing Professionals no longer had work available to him on the assignment. Mr. Jennings did not simply remain with PDM under the new temporary agency. He contacted Staffing Professionals within three working days of the end of the assignment to see if there was other work available.

It was only after he learned that Staffing Professionals did not have work for him that he indicated he would seek work with ASI. Therefore, he left because of lack of work and not because he no longer wanted to work for Staffing Professionals or because he had accepted work elsewhere.

After considering all of the evidence, the administrative law judge concludes that Mr. Jennings was separated from Staffing Professionals on March 31, 2009 due to lack of work. Therefore, he is entitled to job insurance benefits. Staffing Professionals remains potentially liable for its share of benefits paid to Mr. Jennings.

DECISION:

The representative's decision dated February 11, 2010, reference 03, is hereby affirmed. Mr. Jennings was separated from Staffing Professionals on March 31, 2009 for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible. Staffing Professionals' account may be charged for such benefits.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw