

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALYS E BOMIA

Claimant

APPEAL NO. 08A-UI-02409-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC – SEDONA STAFFING

Employer

**OC: 11/04/07 R: 04
Claimant: Respondent (1)**

Section 96.5(1)j – Temporary Employment

Section 96.6(2) – Timeliness of Appeals

STATEMENT OF THE CASE:

Sedona Staffing filed an appeal from a representative's decision dated December 7, 2007, reference 01, which held that no disqualification would be imposed regarding Alys Bomia's separation from employment. After due notice was issued, a hearing was held by telephone on March 26, 2008. Ms. Bomia participated personally. The employer participated by Colleen McGuinty, Unemployment Benefits Administrator, and Dawn Fulton, Assistant Manager.

ISSUE:

The first issue is whether the employer filed a timely appeal. If the appeal is determined to be timely, the issue then becomes whether Ms. Bomia was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: A decision allowing benefits to Ms. Bomia was mailed to the employer at its address of record on December 7, 2007. An appeal was filed by fax on December 13, 2007, but was not received by the Appeals Bureau. The employer did not learn that the appeal had not been received until it received the statement of charges mailed on January 26, 2008. The employer filed an appeal on March 10, 2008.

Ms. Bomia began working for Sedona on August 17, 2006 and was assigned to work for Mediacom. The assignment ended on November 2, 2007, when her services were no longer needed. Ms. Bomia notified Sedona on October 31 that the assignment was to end on November 2. She went to the Sedona offices on November 2 to turn in her time sheet. She asked about the availability of other work at that time but none was available.

REASONING AND CONCLUSIONS OF LAW:

The first issue concerns the timeliness of the employer's appeal from the December 7, 2007 decision allowing benefits to Ms. Bomia. The employer had ten days in which to perfect its

appeal. See Iowa Code section 96.6(2). The appeal was due by December 17, 2007. The employer filed a timely appeal on December 13, 2007 but, through no fault of its own, it was not received by the Appeals Bureau. The employer acted with due diligence in filing an appeal after receiving the statement of charges reflecting benefits paid to Ms. Bomia. For the above reasons, the administrative law judge concludes that the employer filed a timely appeal. As such, the administrative law judge has jurisdiction over the separation issue.

Ms. Bomia was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). It is undisputed that Ms. Bomia completed her assignment with Mediacom, as she worked until no further work was available for her. She notified Sedona on October 31 that the assignment was due to end on November 2. She also came to the Sedona offices on November 2 to inquire about further work. The administrative law judge concludes, therefore, that Ms. Bomia satisfied the requirements of Iowa Code section 96.5(1)j and is entitled to job insurance benefits.

DECISION:

The representative's decision dated December 7, 2007, reference 01, is hereby affirmed. Ms. Bomia was separated from Sedona on November 2, 2007 for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw