

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**RICK D CARLSEN
2327 “QF” LN
MADRID IA 50156**

**HELPING HANDS TEMPORARY
SERVICES INC
27 N CENTER ST
MARSHALLTOWN IA 50158-4912**

**Appeal Number: 05O-UI-11528-CT
OC: 07/17/05 R: 02
Claimant: Respondent (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Helping Hands Temporary Services, Inc. filed an appeal from a representative’s decision dated August 16, 2005, reference 01, which held that no disqualification would be imposed regarding Rick Carlsen’s separation from employment. Pursuant to the appeal, a telephone hearing was held on September 7, 2005. The September 13, 2005 decision of the administrative law judge affirmed the allowance of benefits. The employer filed a further appeal with the Employment Appeal Board, which, on November 4, 2005, remanded the matter for a new hearing because a complete recording of the prior hearing was not available.

Pursuant to the remand, due notice was issued scheduling the matter for a telephone hearing on November 30, 2005. Mr. Carlsen participated personally. The employer participated by Arlene Wenzel, President.

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: Mr. Carlsen has worked through Helping Hands, a temporary placement service, periodically for the past two or three years. He was assigned to work at the Barilla plant on July 2 and 3, 2005. He worked on July 2 but called on July 3 to report that he would not be at work because the radiator in his car had a hole in it. Mr. Carlsen contacted Helping Hands on July 5 but was not offered any further work at that time.

Mr. Carlsen declined one day of work with Home Furniture in Ames on August 1, 2005. He would have been paid \$8.00 per hour for an eight-hour day. He declined the work because he believed a better assignment might come up. On August 26, he accepted an assignment to work at Ball Plastics from August 26 through August 30. He worked on August 26 but left early on August 27 because standing on the concrete caused his feet to hurt. He did not work on August 28 because his feet were still hurting. He left a message for Helping Hands indicating that he had not gone to work on August 28. As it turned out, August 28 would have been the last day of available work at Ball Plastics. On the morning of August 29, Helping Hands was notified by Ball Plastics that workers were not needed for August 29. The separation was not due to Mr. Carlsen's attendance but to machine issues at Ball Plastics.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Carlsen was separated from employment for any disqualifying reason. He was hired for placement in temporary work assignments. Mr. Carlsen did not complete his assignment with Barilla, as he missed the last day of work due to car trouble. However, he continued to be employed by Helping Hands and was placed on a subsequent assignment. The administrative law judge concludes that the failure to work for Barilla on July 3 did not constitute a voluntary quit within the meaning of the law.

Mr. Carlsen accepted an assignment with Ball Plastics to work from August 26 through August 30. Although he had missed time from work on the assignment, the assignment was ended by Ball Plastics before Mr. Carlsen had an opportunity to complete it. The assignment was ended on August 29, before the August 30 date on which it was originally scheduled to end. Because the assignment was ended by the client company through no fault of Mr. Carlsen, his separation on August 29 was not a disqualifying event.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that there is no basis on which to impose a disqualification from job insurance benefits. Mr. Carlsen was separated from employment through no fault of his own and is entitled to job insurance benefits.

DECISION:

The representative's decision dated August 16, 2005, reference 01, is hereby affirmed. Mr. Carlsen was separated from Helping Hands for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/kjw