

**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**

**ERIC R SHAFER  
603 SNAKE ST  
NORTH BUENA VISTA IA 52066**

**SEDONA STAFFING  
612 VALLEY DR  
MOLINE IL 61265**

**Appeal Number: 05A-UI-07390-CT  
OC: 05/29/05 R: 04  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1)j – Voluntary Quit/Temporary Employment  
Section 871IAC24.26(19) – Temporary Employment

STATEMENT OF THE CASE:

Sedona Staffing filed an appeal from a representative's decision dated July 11, 2005, reference 02, which held that no disqualification would be imposed regarding Eric Shafer's separation from employment. After due notice was issued, a hearing was held by telephone on August 4, 2005. The employer participated by Colleen McGinty, Unemployment Insurance Administrator, and Nikki Keifer, Branch Manager. Mr. Shafer did not participate personally but through his father, Richard Shafer.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Shafer began working through Sedona Staffing on October 25, 2004. His last assignment was with Midwest Blending, where he began working on February 24, 2005. He completed the assignment on May 27, 2005.

When he arrived home on the evening of May 27, Mr. Shafer received an answering machine message from Sedona Staffing confirming that his assignment had ended. The message also indicated that he would be called when work was available. When he had not heard anything further after one or two weeks, Mr. Shafer's mother contacted Sedona Staffing and left a message regarding her son. Mr. Shafer has not had any contact with the employer since May 27, 2005. He had received written notification that he was to seek re-assignment within three working days of the end of an assignment.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Shafer was separated from employment for any disqualifying reason. He completed his last assignment. The next matter to be determined is if he had good cause of not contacting Sedona Staffing within three working days of the end of his assignment as required by Iowa Code section 96.5(1)j. He had received the notice required by law. It was Mr. Shafer's contention that he did not contact Sedona Staffing within three days of his assignment ending because he received a message that he would be contacted when work was available. The employer contended that Mr. Shafer received notice of the assignment ending directly from Midwest Blending and has no record of anyone from Sedona Staffing calling him on May 27.

Mr. Shafer's father testified that he heard the answering machine message left by Sedona Staffing on May 27. His testimony was credible. The employer's lack of any record of such a call is not sufficient to overcome the sworn testimony. It is concluded, therefore, that Mr. Shafer did not contact the employer within three days because he had a good-faith belief that he would be contacted when work was available. For the above reasons, the administrative law judge concludes that Mr. Shafer is not disqualified for benefits pursuant to Iowa Code section 96.5(1)j.

DECISION:

The representative's decision dated July 11, 2005, reference 02, is hereby affirmed. Mr. Shafer was separated from Sedona Staffing for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/kjw