

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBORAH J BOHLING
Claimant

APPEAL NO. 07A-UI-00886-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

USA STAFFING INC
Employer

**OC: 07/02/06 R: 03
Claimant: Respondent (5)**

Section 96.5-1-j – Voluntary Quit

STATEMENT OF THE CASE:

USA Staffing, Inc. (employer) appealed a representative's January 18, 2007 decision (reference 04) that concluded Deborah J. Bohling (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant had been discharged for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 13, 2007. The claimant participated in the hearing. Doug Meinders, the branch manager, 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 staffing firm. The employer provides clients with temporary and temp-to-hire workers. The claimant registered to work for the employer on June 19, 2006. The last assignment the employer gave to the claimant was a temp-to-hire position that started October 25, 2006. On December 15, 2006, the client asked the employer to remove the claimant from the work assignment immediately because of attendance issues. Before the claimant's shift started on December 15, the employer informed her that she no longer worked at the job assignment. The employer did not have another job to assign to the claimant that day.

The claimant went to the employer's office and gave the employer a copy of her resumé on December 18, 2006. The employer asked the claimant to change a few items, which she did. The claimant contacted the employer on December 19 and 21 about another assignment. The employer did not have any job to assign to the claimant.

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 §§ 96.5-1, 2-a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5-1-j.

The facts establish the claimant's most recent job assignment ended December 15. The employer did not have a job to assign to the claimant on December 15. The claimant contacted the employer on December 18, 19 and 21, about another job. The employer still did not have a job to assign to the claimant. The claimant satisfied the requirements of Iowa Code § 96.5-1-j. Therefore, as of December 17, 2006, the claimant is qualified to receive unemployment insurance benefits.

DECISION:

The representative's January 18, 2007 decision (reference 04) is modified, but the modification has no legal consequence. The employer did not discharge the claimant. Even though the claimant's most recent assignment ended, she was still eligible to be assigned to another job. The claimant satisfied the requirements of the law by contacting the employer on December 18, 19 and 21 about another job assignment. The claimant is qualified to receive unemployment insurance benefits as of December 17, 2006, provided she meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css