

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ELIZABETH R NICHOLS-HOFERT
Claimant

APPEAL NO. 10A-UI-00196-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

USA STAFFING INC
Employer

OC: 11/29/09
Claimant: Appellant (2)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Elizabeth Nichols-Hofert filed an appeal from a representative's decision dated December 30, 2009, reference 01, which denied benefits based on her separation from USA Staffing, Inc. After due notice was issued, a hearing was held by telephone on February 16, 2010. Ms. Nichols-Hofert participated personally. The employer did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Ms. Nichols-Hofert 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: Ms. Nichols-Hofert began working for USA Staffing, Inc., a temporary placement service, on May 29, 2009 and was assigned to work for Flagger Pros. She worked flagging traffic for various road construction crews. She worked from 20 to 40 hours each week. She was notified on November 7, 2009 that work was over for the season.

On Monday, November 9, Ms. Nichols-Hofert reported to the USA Staffing office to turn in her time card and advise them that her assignment with Flagger Pros was over. She was not offered other work at that time or at any point since. She has been told that there are plans to recall her for flagging work when the season resumes.

REASONING AND CONCLUSIONS OF LAW:

Ms. Nichols-Hofert completed her last assignment through USA Staffing and notified them within three working days that she had completed her assignment. Since no other temporary work assignments were offered at that time, she is entitled to job insurance benefits pursuant to Iowa Code section 96.5(1)j.

DECISION:

The representative's decision dated December 30, 2009, reference 01, is hereby reversed. Ms. Nichols-Hofert was separated from USA Staffing, Inc. on November 9, 2009 for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs