

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VINCENT R TUZAR
Claimant

APPEAL NO: 09A-UI-08788-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING
Employer

OC: 01/04/09
Claimant: Appellant (2)

Section 96.5-1-j – Completion of Temporary Job Assignment

STATEMENT OF THE CASE:

Vincent R. Tuzar (claimant) appealed a representative's June 10, 2009 decision (reference 01) that concluded he was not qualified to receive benefits, and the account of Sedona Staffing (employer) would not be charged because the claimant failed to properly notify the employer he had completed a job assignment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 6, 2009. The claimant participated in the hearing. Colleen McGuinty and Carrie Cannon 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 his employment for reasons that do not qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant initially registered to work for the employer in July 2001. On July 7, 2008, the claimant began a job assignment. In mid to late November, the client informed the employer the claimant's job assignment would be completed by Thanksgiving. The claimant completed the job assignment on November 25, 2008. The employer does not have a record of the claimant notifying the employer on November 26 that he had completed the assignment, but was ill.

The employer's office was closed on November 27 and 28 for Thanksgiving. The claimant had a tonsillectomy on November 28 or 29. He contacted the employer on December 1 to let the employer know he had completed the job assignment on November 25, and because of the recent minor surgery, he was not available to work again until December 8, 2008. The employer left messages for the claimant on December 11 about potential jobs.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him 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 that if the claimant received notice the employer required employees to contact the employer within three working days of completing a job assignment; the claimant timely notified the employer he had completed an assignment on November 25. The employer's office was closed on November 27 and 28.

The fact the claimant was not available to work until November 8 does not affect the reasons for his employment separation. The employer even testified that the employer left messages for the claimant on December 11 about another job assignment(s). Simply put, the claimant completed a job assignment on November 25 and he properly notified the employer within three working days that he had completed his most recent assignment. Therefore, the claimant satisfied the requirements of Iowa Code § 96.5-1-j and is eligible to receive benefits as of January 4, 2009.

DECISION:

The representative's June 10, 2009 decision (reference 01) is reversed. The claimant completed a job assignment on November 25, 2008, and timely notified the employer that he had completed the assignment. The reason for the claimant's November 25, 2008 employment separation does not disqualify him from receiving benefits. As of January 4, 2009, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account may be charged for benefit paid to him.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css