

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CLEO JACKSON

Claimant

APPEAL NO: 15A-UI-00809-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC

Employer

OC: 11/23/14

Claimant: Appellant (4)

Section 96.5(1)g – Qualify Through Subsequent Earnings

STATEMENT OF THE CASE:

Cleo Jackson (claimant) appealed a representative's January 8, 2015 decision (reference 03) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from QPS Employment Group, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 12, 2015. This appeal was consolidated for hearing with one related appeal, 15A-UI-00810-DT. The claimant participated in the hearing and presented testimony from one other witness, Joanne Taylor. Rhonda Hefter de Santisteban appeared on the employer's behalf and presented testimony from one other witness, Krystal Hauersperger. During the hearing, Employer's Exhibit One was entered into evidence. 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's April 30, 2014 separation disqualify him from benefits and is the employer's account subject to charge?

FINDINGS OF FACT:

The employer is a temporary staffing agency. After a prior period of employment with the employer, the claimant most recently began working at the employer's Waterloo, Iowa business client on April 29, 2014, through April 30, 2014. The assignment ended that date because the business client deemed the assignment to be completed. The employer asserted that claimant did not contact the employer within three days of the end of the assignment to seek reassignment as required by the employer's policies to avoid being considered to be a voluntary quit; the claimant asserted that he did check back for work on the same day the assignment ended.

The claimant established a claim for unemployment insurance benefits effective November, 23, 2014. His weekly benefit amount was calculated to be \$220.00. After the ending of the assignment on April 30, 2014, the claimant began other employment on or about May 5, 2014,

continuing through on or about November 21, 2014, and earned over \$2,200.00 with another employer.

REASONING AND CONCLUSIONS OF LAW:

The wages the claimant earned with the employer are in his base period. The employer asserted the claimant voluntarily quit as of April 30, 2014, because he did not request another job assignment within three days. However, this issue does not need to be resolved because after the claimant worked for the employer but before he filed his claim for benefits effective November 23, 2014, he earned more than \$2,200.00 in wages from another employer. As a result, the reasons for his separation in April 2014 do not affect the claimant's eligibility to receive unemployment insurance benefits. Rule 871 IAC 24.28(1). This also means the employer's account will not be charged for any benefits the claimant received during his current benefit year.

DECISION:

The representative's January 8, 2015 decision (reference 03) is modified in favor of the claimant. The claimant is requalified to receive unemployment insurance benefits after his job assignment on April 30, 2014. Since the claimant has requalified to receive unemployment insurance benefits, the employer's account will not be charged during the claimant's current benefit year.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs