

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

REBECCA L LUCCIANI
Claimant

APPEAL NO. 09A-UI-11793-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

**Original Claim: 07/05/09
Claimant: Respondent (1)**

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Express Services, Inc. filed an appeal from a representative's decision dated August 10, 2009, reference 01, which held that no disqualification would be imposed regarding Rebecca Lucciani's separation from employment. After due notice was issued, a hearing was held by telephone on September 2, 2009. Ms. Lucciani participated personally. The employer participated by Lisa Franzmeier, Staffing Consultant. Exhibit One was admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether Ms. Lucciani 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. Lucciani was employed by Express Services, Inc. from March 30, 2008 until July 3, 2009. She worked full-time at Control Container Management. On July 6, 2009, she was notified by Express Services, Inc. that the assignment was over. The employer did not have further contact with her until August 24, when she was contacted regarding further work.

At the time of hire, Ms. Lucciani signed a document indicating she had to notify the temporary placement firm of the end of an assignment within three working days of the end of the assignment. The notice is contained on a document separate from other terms and conditions of employment. A copy was provided to her for her records.

REASONING AND CONCLUSIONS OF LAW:

Ms. Lucciani completed her last temporary assignment, as she worked until notified that no further work was available at Control Container Management. She had been provided the notice required by Iowa Code section 96.5(1)j advising her of the need to notify Express Services, Inc. of the end of her assignment within three working days of when the assignment

ended. However, it was Express Services, Inc. that notified Ms. Lucciani that her assignment was over. The purpose of the notice is to let the temporary placement firm know that an individual is once again available for placement. It would serve no useful purpose to require an individual to contact the firm to provide the same information the firm has just provided to her.

For the reasons cited herein, the administrative law judge concludes that Ms. Lucciani's failure to initiate contact with Express Services, Inc. within three working days of the end of her assignment was not a disqualifying event. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated August 10, 2009, reference 01, is hereby affirmed. Ms. Lucciani was separated from Express Services, Inc. for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw