

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSE R LOPEZ
Claimant

TEMP ASSOCIATES – BURLINGTON INC
Employer

APPEAL 16A-UI-07294-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/29/16
Claimant: Appellant (5)

Iowa Code § 96.5(1)j – Voluntary Leaving (Temporary Assignment)

STATEMENT OF THE CASE:

The claimant filed an appeal from the June 16, 2016, (reference 02) unemployment insurance decision that denied benefits on a claim with an original claim date of May 29, 2016. On July 15, 2016 the agency issued a new decision (reference 05), with an original claim date of May 31, 2015 that denied benefits based upon the same separation date. The claimant's entitlement to benefits under the reference 05 decision is dealt with in appeal number 16A-UI-07950-H2T. After due notice was issued, a hearing was held on August 9, 2016. Claimant participated with the assistance of CTS language link Spanish interpreter Socrates #10413. Employer participated through Judy Rebik, Manager. Employer's exhibit one was entered and received into the record.

ISSUE:

Should the decision at issue be modified with no change in effect due to the agency nullifying the decision?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: In 16A-UI-07948-H2T it was determined that the agency did have the legal authority to nullify a previously issued decision. The agency has nullified the reference 02 decision with an original claim date of May 29, 2016 as the decision should have been made and issued with an original claim date of May 31, 2015 as it was in reference 05.

REASONINGS AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the representative's decision should be modified with no change in effect.

Iowa Code § 96.5-(1)-j provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

j. (1) The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm of completion of an employment assignment and who seeks reassignment. Failure of the individual to notify the temporary employment firm of completion of an employment assignment within three working days of the completion of each employment assignment under a contract of hire shall be deemed a voluntary quit unless the individual was not advised in writing of the duty to notify the temporary employment firm upon completion of an employment assignment or the individual had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter.

(2) To show that the employee was advised in writing of the notification requirement of this paragraph, the temporary employment firm shall advise the temporary employee by requiring the temporary employee, at the time of employment with the temporary employment firm, to read and sign a document that provides a clear and concise explanation of the notification requirement and the consequences of a failure to notify. The document shall be separate from any contract of employment and a copy of the signed document shall be provided to the temporary employee.

(3) For the purposes of this paragraph:

(a) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their workforce during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(b) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

Since the decision appealed has been nullified the original representative's decision under the original claim date of May 29, 2016 bearing reference 02 is modified with no change in effect so as to be consistent with the representative decision issued on July 15, 2016 (reference 05) with an original claim date of May 31, 2015.

DECISION:

The June 16, 2016, (reference 02) unemployment insurance decision is modified with no change in effect. Benefits are denied.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs