

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID D NAIL**  
Claimant

**APPEAL NO. 10A-UI-02744-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**  
Employer

**OC: 03/01/09**  
**Claimant: Respondent (5)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The employer appealed from a representative's decision dated February 10, 2010, reference 06, that held the claimant completed an assignment, and notified his employer of his availability for further work, and benefits are allowed effective January 23, 2010. A telephone hearing was held on April 7, 2010. The claimant participated. Sarah Fiedler, Claims Administrator, participated for the employer.

**ISSUE:**

Whether claimant was discharged for misconduct.

**FINDINGS OF FACT:**

The administrative law judge, having considered the evidence in the record, finds that: The claimant began work on October 26, 2009, and she signed an employer policy that provides he must seek re-assignment within three days of job completion. The claimant was placed on a long-term assignment at Stukes and he began work on January 18, 2010. The claimant last worked the assignment on January 21. On Saturday, January 23, employee Radel called the claimant from her residence to tell him not to report for work on Monday, because Stukes no longer wanted him. The claimant understood Radel would check him in for further work, so he did not contact the employer the next week. The claimant did call in for work on February 4, but the employer considered he had quit for failing to contact the employer within three days for work.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

- a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The administrative law judge concludes the claimant was dismissed from his work assignment on January 23, 2010 for no disqualifiable reason, and benefits are allowed, provided he is otherwise eligible.

The requisites of Iowa Code section 96.5-1-j are triggered when a claimant-employee completes a job assignment. The claimant did not "complete" his long-term assignment at client/Stukes, he was dismissed after working only a few days. The claimant had no obligation to seek re-assignment with the employer. The employer's election to treat the claimant's assignment as a job completion rather than dismissal (discharge) caused it to erroneously impose a three-day notification/re-assignment and voluntary quit that is not applicable in this matter.

**DECISION:**

The department decision dated February 10, 2010, reference 06, is modified. The claimant was discharged for no disqualifiable reason from a work assignment that he did not complete on January 23, 2010. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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