

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

TYLER C GRIFFIN
705 RIVER DR
SIOUX CITY IA 51109

ADECCO USA
c/o TALX UC EXPRESS
PO BOX 66736
ST LOUIS MO 63166-6736

Appeal Number: 05A-UI-04033-A
OC: 02/27/05 R: 01
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Tyler C. Griffin filed a timely appeal from an unemployment insurance decision dated April 7, 2005, reference 01, which disqualified him for benefits. Due notice was issued, a hearing was held in Sioux City, Iowa, on July 12, 2005. Mr. Griffin did not respond when paged at the time of the hearing. The employer, ADECCO USA, Inc., had previously advised the administrative law judge that it did not intend to participate in the hearing. This decision is based on information in the claimant's appeal letter and in the administrative file.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Tyler C. Griffin was employed by ADECCO USA, INC., from June 18, 2004 through February 18, 2005, on assignment at Gateway. The assignment ended, and Mr. Griffin contacted ADECCO immediately to seek further assignment. No further assignments were then available.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the separation from employment on February 18, 2005 was a disqualifying event. It was not. Iowa Code section 96.5-1-j provides special rules for temporary employees of temporary employment services. A temporary employee must contact the temporary employer within three business days after the completion of an assignment to seek other work. If the individual does not do so, the separation is considered to be a quit without good cause attributable to the employer.

The evidence in this record establishes that Mr. Griffin contacted ADECCO USA within the time specified by statute. There being no assignment then available, Mr. Griffin's decision to seek employment on his own was not a voluntary quit. In essence, Mr. Griffin had become unemployed because of a lay off. Benefits are allowed.

DECISION:

The unemployment insurance decision dated April 7, 2005, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

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