

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MONICA M MCCUEN
Claimant

APPEAL NO: 06A-UI-08176-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 07/02/06 R: 01
Claimant: Respondent (1)

Section 96.5-1-j – Temporary Employment

STATEMENT OF THE CASE:

Advance Services, Inc. (employer) appealed a representative's August 3, 2006 decision (reference 01) that concluded Monica M. McCuen (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant became unemployed after completing a temporary job assignment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 7, 2006. The claimant participated in the hearing. Brandie McFarland, the office manager, appeared on the employer's behalf. 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.

ISSUES:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharge the claimant for work-connected misconduct?

Did the employer know the claimant would complete her job assignment on March 31, 2006?

FINDINGS OF FACT:

The claimant registered to work for the employer, a staffing company, on October 3, 2005. The employer assigned the claimant to a job on October 5, 2005. When the claimant accepted the assignment, she understood the job would be a long-term job. The business, where the claimant had been assigned to work, announced in late October or early November that it was closing its business in the United States.

The employer was not the only staffing company that had assigned people to work for this business. In late November, the employer put up a list for people to sign indicating they were interested in obtaining another job assignment at various businesses when this business closed. In late November, there were many people affected by the close of this business. The claimant and other temporary staffing employees had been told they may be eligible for benefits under a Federal Trade Act, which meant the claimant may be eligible to attend school. Although many

people were affected by this job closing, the employer wanted the opportunity to assign the claimant and other people to jobs affected by the business closing.

The employer knew the claimant's last day of work at the assignment was March 31, 2006. The claimant talked to the employer on March 31, 2006. During this conversation, the claimant indicated she wanted to find out if she would be eligible to attend college under a federal trade law the Department held meetings about and encouraged people to attend. On April 7, the employer talked to the claimant about potential jobs that were more than 30 miles from the claimant's residence. The claimant then informed the employer she learned she was qualified to receive federal benefits and could attend school. The claimant decided she would go back to school.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5-1-j.

The facts establish that the claimant and employer kept in contact with one another after the business where the claimant worked announced it was closing its business in the United States. The claimant and employer both knew employees working for the employer and another staffing company could be qualified to receive benefits under a federal trade act. On March 31, 2006, the claimant talked to the employer when she completed the job assignment she had started in early October 2005. The facts establish that Iowa Code § 96.5-1-j is satisfied in this case. Therefore, the claimant is not disqualified from receiving unemployment insurance benefits. The fact the claimant may have made herself unavailable or declined a potential offer of work in late March or early April 2006 does not affect her eligibility to receive benefits as of July 2, 2006.

For unemployment insurance purposes, the claimant completed a job assignment and satisfied Iowa Code § 96.5-1-j. Therefore, as of July 2, 2006, the employment separation on March 31, 2006, does not disqualify her from receiving unemployment insurance benefits.

(While the employer may not agree that the claimant should be eligible to receive any benefits under the TRA program, this was not an issue for the September 7 hearing.) .

DECISION:

The representative's August 3, 2006 decision (reference 01) is affirmed. The claimant completed a job assignment and kept in contact with the employer concerning her last day of work. Based on the reasons for this employment separation, the claimant is not disqualified from receiving benefits as of July 2, 2006, provided she meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/cs