

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TINA L HARMON**  
Claimant

**APPEAL NO. 08A-UI-04025-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**USA STAFFING INC**  
Employer

**OC: 03/16/08 R: 02  
Claimant: Respondent (1)**

Section 96.5-1-j – Separation from Temporary Employment

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated April 18, 2008, reference 02, that concluded claimant was laid off after completing her temporary work assignment. A telephone hearing was held on May 8, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing. Amy Freeman participated in the hearing on behalf of the employer.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked full time for the employer on an assignment at Syngenta Feed from February 12, 2007, to March 14, 2008, when she was laid off due to lack of work. The claimant immediately contacted the Ames, Iowa, branch manager, Amy Freeman, on March 14, 2008, to seek a new assignment, but there was no immediate work available.

Freeman advised the claimant to contact the Des Moines branch since the claimant had moved to Des Moines, which the claimant did on April 15, 2008.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.5-1-j provides that persons employed by a temporary agency are not considered to have voluntarily quit employment as long as they contact their employer within three working days after the completion of a work assignment and seek a new assignment.

The claimant immediately contacted the employer on the same day that the employment ended to seek a new assignment, but there was no immediate work available. She satisfied the requirements of the law and is qualified to receive benefits. The law imposes no additional requirements on a worker employed by a temporary employment business. Once the person

has contacted the employer, it is up to the temporary employment business to offer additional work.

**DECISION:**

The unemployment insurance decision dated April 18, 2008, reference 02, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css