

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBRA A NEMMERS
Claimant

APPEAL NO. 10A-UI-13324-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 12/06/09
Claimant: Respondent (1)

Section 96.5-1-j – Completion of a Temporary Job

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's September 13, 2010 determination (reference 05) that held the claimant eligible to receive benefits as of August 1, 2010, because she was on a temporary layoff. The claimant responded to the hearing notice, but was not available for the hearing. The claimant did not participate in the hearing. Matt Timmerman, the owner, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge finds the claimant qualified to receive benefits as of August 1, 2010.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The employer assigned the claimant to a job on June 6, 2010. She completed this assignment on July 30, 2010. The claimant contacted the employer when this assignment ended and asked for another assignment. The employer did not have another job to assign to the claimant.

When the claimant accepted a job for another employer, she contacted the employer. The employer recently assigned the claimant to a job that began on October 29, 2010.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits without good cause attributable to the employer, 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 show the claimant completed a temporary job and informed the employer when she completed the job. The claimant has met the requirements of Iowa Code § 96.5-1-j. Therefore, the claimant did not voluntarily quit her employment. The evidence does not establish that the employer discharged the claimant.

The claimant did not quit and she was not discharged for work-connected misconduct. Based on her July 30 employment separation, she is qualified to receive benefits. When the claimant established her claim for benefits during the week of December 6, 2009, the employer was not a base period employer. Therefore, during the claimant's current benefit year, the employer's account will not be charged.

The record shows the claimant reopened her claim the week of August 1. She filed a claim for benefits for the week ending August 7, 2010. She then stopped filing when she presumably worked for another employer. When this employment ended, she reopened her claim for benefits during the week of October 3. As a result of informing the employer when she was again available to work, the employer assigned her to a job in late October. The claimant has followed the correct steps in trying to remain employed and filing her claim for benefits.

DECISION:

The representative's September 13, 2010 determination (reference 05) is affirmed. The claimant's July 30, 2010 employment separation occurred because she completed a job assignment. Based on this employment separation, she is qualified to receive benefits as of August 1, 2010, provided she meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw