

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

EVEYETTE D HALL  
1013 COLUMBIA ST  
WATERLOO IA 50703

LABOR READY MIDWEST INC  
C/O PAYROLL TAX DEPT  
PO BOX 2910  
TACOMA WA 98401-2910

LABOR READY MIDWEST INC  
C/O RICK BARTLETT  
818 WILLISTON AVE  
WATERLOO IA 50702

Appeal Number: 04A-UI-09832-DWT  
OC: 03/14/04 R: 03  
Claimant: Respondent (1)

**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, 4<sup>th</sup> 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 are 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 j- Temporary Employment

STATEMENT OF THE CASE:

Labor Ready Midwest, Inc. (employer) appealed a representative's August 30, 2004 decision (reference 02) that concluded Eveyette D. Hall (claimant) was qualified to receive unemployment insurance benefits as of August 1, 2004, and the employer's account could be charged for benefits paid to her because the claimant's employment separation did not occur as the result of disqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 4, 2004. The claimant participated in the hearing. Rick Bartlett, the branch manager, appeared on the employer's behalf. Employer's Exhibits One and Two were offered and admitted as evidence. 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.

ISSUE:

Is the claimant qualified to receive benefits as of August 1, 2004?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant registered to work for the employer on July 9, 2004. Each day a person wants to work, she must go to the employer's office, sign in and wait to see if the employer has work to assign.

The employer assigned the claimant to work at Crystal Ice. The claimant worked various days in July. When the claimant reopened her claim during the week of August 1, the last day she had worked for the employer was July 28. The claimant did not work again until August 5. She also worked on August 9 and 12. On August 12, Crystal Ice personnel told the claimant and other employees they did not need to report to work on August 13 because there was no work to do. On August 16, the claimant called the employer about another job assignment. The claimant's sister went to the employer's office to find out if there was work at Crystal Ice. The employer did not assign the claimant's sister any work. The claimant called the employer on August 16 to see if there was any work. The employer told her to come to the office.

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 she fails to notify the employer. Iowa Code §96.5-1-j.

The first separation in this case occurred in late July just after the claimant completed her July 28 assignment. The employer had not pulled any records for July 29 through August 5, 2004. Therefore, the claimant's testimony that she contacted the employer for more work after July 28 is credible. A preponderance of the evidence indicates the claimant did not work July 29 through August 4 because the employer did not have work to assign to her.

The claimant understood the employer required her to go to the employer's office to get a job assignment if there was a job to assign to her. The evidence does not indicate the employer could have assigned the claimant to another job from July 29 to August 4. Therefore, as of August 1, 2004, the claimant is qualified to receive unemployment insurance benefits.

The second separation occurred in mid-August. Since the claimant called the employer on August 16 and the facts do not establish the employer would have assigned her another job, the claimant remains qualified to receive benefits as of August 15, 2004.

The employer is not one of the claimant's base period employers. The employer's account will not be charged during the claimant's current benefit year.

DECISION:

The representative's August 30, 2004 decision (reference 02) is affirmed. The claimant finished a job assignment on July 28 and the employer did not have another job to assign until August 5, 2004. As of August 1, 2004, the claimant is qualified to receive unemployment insurance benefits, provided she meets all other eligibility requirements. A second separation occurred in mid-August. Since the claimant contacted the employer on August 16 and there is no evidence that the employer had work to assign to the claimant, she remains qualified to receive unemployment insurance benefits as of August 15, if she meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

dlw/b