

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CANDYCE J TOMLIN
Claimant

APPEAL NO: 09A-UI-09582-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

USA STAFFING INC
Employer

OC: 05/17/09
Claimant: Appellant (2)

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

Candyce J. Tomlin (claimant) appealed a representative's June 27, 2009 decision (reference 02) that concluded she had voluntarily quit her employment for reasons that do not qualify her to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 21, 2009. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

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

FINDINGS OF FACT:

The claimant registered to work for the employer's clients in April 2009. When the claimant registered to work, she does not remember receiving any paperwork informing her about the employer's policy. The employer assigned the claimant to a job that the claimant could work at for 700 hours. On May 13, the employer came to the claimant's job site and told her just before her shift ended that she would not coming back to this job. The claimant was upset because she had not received any warnings about any problems and had been told she could not ask why this job ended. The claimant did not believe the employer treated her fairly when she had been hired to work 700 hours. The claimant applied to work for another temporary employment firm. The claimant did not ask the employer about another job assignment. The claimant established a claim for benefits during the week of May 17, 2009.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges the claimant 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 facts presented during the hearing do not establish that the employer met the requirements of Iowa Code § 96.5-1-j. Therefore, the claimant cannot be disqualified from receiving benefits for failing to ask the employer for another assignment. On May 13, 2009, the employer told the claimant her job assignment was over, but gave no explanations as to why the claimant was not to go back to work. Since the employer did not participate, there is no evidence that the claimant committed work-connected misconduct. Therefore, as of May 17, 2009, the claimant is qualified to receive benefits.

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

DECISION:

The representative's June 27, 2009 decision (reference 02) is reversed. The claimant did not quit her employment. Instead the employer ended the claimant's assignment on May 13, 2009, for reasons that do not constitute work-connected misconduct. As of May 17, 2009, the claimant is qualified to receive benefits. The employer's account will not be charged during the claimant's current benefit year.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css