

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM C SMITH
Claimant

APPEAL NO: 07A-UI-07838-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

**OC: 07/01/07 R: 04
Claimant: Appellant (2)**

Section 96.5-1-j – Completion of Temporary Employment Assignment

STATEMENT OF THE CASE:

William C. Smith (claimant) appealed a representative's August 6, 2007 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Team Staffing Solutions, Inc. (employer) would not be charged because the claimant was not qualified to receive benefits when he did not contact the employer about another job assignment after an assignment ended on February 20, 2007. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 29, 2007. The claimant participated in the hearing. Sarah Fielder 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.

ISSUE:

Did the claimant contact the employer for another job assignment after an assignment ended on February 20, 2007?

FINDINGS OF FACT:

The claimant registered to work for the employer's clients in early September 2006. The employer is a temporary staffing firm. The claimant understood that when a job assignment ended, he had to contact the employer for another job assignment.

The employer assigned the claimant to a job on September 25, 2006. The client told the claimant on February 20, 2007, that he was no longer needed at this assignment. The next day, the claimant went to the employer's office and talked to a representative to ask why the client ended his assignment. The claimant understood his assignment ended because of his productivity. The claimant asked about being assigned to a job at HON. The representative did not assign the claimant to another job and questioned his ability to work satisfactorily for another client. The claimant picked up his final check on March 2, 2007.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code sections 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 section 96.5-1-j.

Based on the employer's sign-in sheets and records, the employer has no business record indicating the claimant contacted the employer between February 20 and March 2, when the claimant pickup up his check. However, the claimant's testimony that he talked to an employee in the Davenport office on February 21 and asked about another job is credible. The employer's witness based her testimony on business records. The employee the claimant talked to did not participate at the hearing. Therefore, the claimant's testimony must be given more weight than the employer's testimony. A preponderance of the evidence establishes the claimant satisfied the requirements of Iowa Code section 96.5-1-j. Therefore, as of July 1, 2007, the claimant is qualified to receive unemployment insurance benefits.

DECISION:

The representative's August 6, 2007 decision (reference 01) is reversed. When the claimant's job assignment ended on February 20, he contacted the employer the next day about another job assignment. Therefore, the claimant's February 20, 2007 employment separation is for nondisqualifying reasons. As of July 1, 2007, the claimant is qualified to receive unemployment insurance benefits, provided he 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/pjs