

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

ANTHONY L TATE
1239 – 10TH ST
DES MOINES IA 50314

LABOR READY MIDWEST INC
% TALX UC EXPRESS
P O BOX 283
ST LOUIS MO 63166-0283

LABOR READY MIDWEST INC
ATTN PAYROLL TAX DEPT
P O BOX 2910
TACOMA WAS 98401-2910

Appeal Number: 04A-UI-05719-CT
OC: 03/28/04 R: 02
Claimant: Appellant (2)

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, 4th 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 is 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 871IAC24.26(19) – Temporary Employment

STATEMENT OF THE CASE:

Anthony Tate filed an appeal from a representative's decision dated May 7, 2004, reference 02, which denied benefits based on his separation from Labor Ready Midwest, Inc. After due notice was issued, a hearing was held by telephone on June 17, 2004. Mr. Tate participated personally. The employer participated by Adam Egeland, Account Representative.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Tate made application with Labor Ready Midwest, Inc., a temporary placement firm, on February 26, 2004. He was placed on a one-day assignment with Simmons Company on March 2 and completed the assignment. He did not seek further work because he relocated from Kansas to Iowa. Mr. Tate did not sign a document at the time of hire advising that he had to seek reassignment within three working days following the end of an assignment.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Tate was separated from employment for any disqualifying reason. He was hired for placement in temporary work assignments. An individual so employed must complete his last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Mr. Tate completed his one-day assignment and, therefore, did not voluntarily quit his employment. Inasmuch as he was not advised in writing that he had to seek reassignment within three working days after the end of his assignment, the provisions of Iowa Code Section 96.5(1)j cannot serve to disqualify him from receiving benefits. For the reasons stated herein, Mr. Tate is allowed job insurance benefits.

DECISION:

The representative's decision dated May 7, 2004, reference 02, is hereby reversed. Mr. Tate was separated from Labor Ready Midwest, Inc. for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/