

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**REBECCA CARRANZA**

Claimant

**APPEAL NO. 10A-UI-04085-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**

Employer

**Original Claim: 11/22/09  
Claimant: Respondent (1)**

Section 96.5-1-j – Temporary Employment  
871 IAC 24.26(19) – Temporary Employment

**STATEMENT OF THE CASE:**

Advance Services, Inc. (employer) appealed a representative's March 11, 2010 decision (reference 02) that concluded Rebecca Carranza (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 3, 2010. The claimant participated in the hearing. Scott McKenzie 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:**

Was there a disqualifying separation from employment?

**FINDINGS OF FACT:**

The employer is a temporary staffing agency. The claimant began taking assignments through the employer's Sioux City, Iowa, office on July 31, 2009. Her final assignment began on January 12, 2010. She worked full-time as a general laborer on a day shift at the employer's Sioux City, Iowa, business client through February 2, 2010. The assignment ended that date because the business client deemed the assignment to be completed. The business client informed the claimant of the completion of the assignment at the end of her shift on February 2, 2010. On February 5 the claimant went into the employer's office to pick up her paycheck and informed the employer of the ending of the assignment. She inquired as to whether there were any other available assignments, but was told there was not. She did recontact the employer to seek reassignment about two weeks later, and again on March 10.

**REASONING AND CONCLUSIONS OF LAW:**

The essential question in this case is whether there was a disqualifying separation from employment.

An employee of a temporary employment firm who has been given proper notice of the requirement can be deemed to have voluntarily quit her employment with the employer if she fails to contact the employer within three business days of the ending of the assignment in order to notify the employer of the ending of the assignment and to seek reassignment. Iowa Code § 96.5-1-j. The intent of the statute is to avoid situations where a temporary assignment has ended and the claimant is unemployed but the employer is unaware that the claimant is not working and could have been offered an available new assignment to avoid any liability for unemployment insurance benefits. 871 IAC 24.26(19).

Here, the claimant did timely notify the employer that the business client had ended the assignment, as it considered the claimant's assignment to have been completed. She also expressed interest in reassignment within three days after the ending of the assignment. The claimant is not required by the statute to remain in regular periodic contact with the employer in order to remain "able and available" for work for purposes of unemployment insurance benefit eligibility. Regardless of whether the claimant continued to seek a new assignment, the separation itself is deemed to be completion of temporary assignment and not a voluntary leaving; a refusal of an offer of a new assignment would be a separate, potentially disqualifying, issue. Benefits are allowed, if the claimant is otherwise eligible.

**DECISION:**

The representative's March 11, 2010 decision (reference 02) is affirmed. The claimant's separation was not a voluntary quit, but was the completion of a temporary assignment. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

ld/kjw