

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIEL AVERY
Claimant

APPEAL NO. 11O-UI-09947-WT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

OC: 2/13/11
Claimant: Appellant (2)

Section 96.5-1-j – Reassignment from Temporary Employment

STATEMENT OF THE CASE:

Claimant filed an appeal from a fact-finding decision dated April 5, 2011, reference 02, which held claimant ineligible for unemployment insurance benefits. The matter was originally heard on May 2, 2011. The employer did not participate. A decision was entered in claimant's favor on May 3, 2011. Employer appealed and argued that it did not receive notice of the hearing. The matter was remanded to the Appeals Bureau for a new hearing. After due notice, a telephone conference hearing was scheduled for and held on October 28, 2011. Claimant participated personally. Employer participated by Rebecca Redfearn.

ISSUE:

The issue in this matter is whether claimant sought reassignment from temporary employment in accordance with Iowa law.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds as follows. Claimant was employed on a temporary assignment with Hawkeye Metal until February 28, 2011. He separated from employment due to a lack of work on February 28, 2011. The claimant contacted the employer regarding the end of the assignment pursuant to the rule.

REASONING AND CONCLUSIONS OF LAW:

Individuals employed by a temporary employment firm shall be disqualified from benefits if they fail to seek reassignment in accordance with Iowa Code section 96.5(1)(j) (2011). "Failure of the individual to notify the temporary employment firm of completion of an employment assignment within three working days of the completion of each employment assignment under a contract of hire shall be deemed a voluntary quit unless the individual was not advised in writing of the duty to notify the temporary employment firm upon completion of an employment assignment or the individual had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter." Id.

In this context, actual knowledge is considered “notice.” In other words, if an employer has actual knowledge of the end of the assignment, then the employee is not required to comply with the provisions of section 96.5(1)(j).

In this matter, the evidence established conclusively that claimant provided notice as required by Iowa law.

DECISION:

The fact-finding decision dated April 5, 2011, reference 02, is reversed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.

Joseph L. Walsh
Administrative Law Judge

Decision Dated and Mailed

jlw/pjs