

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

MARTIN B ANDERSEN
PO BOX 16217
DES MOINES IA 50316-9404

EXPRESS SERVICES INC
PO BOX 720660
OKLAHOMA CITY OK 73172

Appeal Number: 06A-UI-05356-CT
OC: 04/23/06 R: 02
Claimant: Respondent (1)

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 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Express Services, Inc. filed an appeal from a representative's decision dated May 16, 2006, reference 01, which held that no disqualification would be imposed regarding Martin Andersen's separation from employment. After due notice was issued, a hearing was held by telephone on June 8, 2006. Mr. Andersen participated personally. The employer participated by B. J. Butler, Personnel Supervisor.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Andersen began working through Express Services, Inc., a temporary placement firm, in November of 1996. On March 9, 2006, he

completed an assignment with Merchant Metals. He was not offered a new assignment at that point. Mr. Andersen had not been provided notice that he had to seek reassignment within three working days of the end of an assignment. He was advised he had to seek reassignment within 48 hours of the end of an assignment.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Andersen was separated from employment for any disqualifying reason. He was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Mr. Andersen completed his last assignment and was not offered additional work at that time. He is not required by law to continue seeking temporary assignments unless the requirements of Iowa Code section 96.5(1)j have been satisfied. This section requires the temporary placement firm to provide written notice that the employee must seek reassignment within three working days of the end of an assignment. The notice provided to Mr. Andersen by Express Services, Inc. required him to seek reassignment within 48 hours.

Because the notice provided to Mr. Andersen by the employer did not comport with the legal requirements, the provisions of section 96.5(1)j cannot form the basis of a disqualification from benefits. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated May 16, 2006, reference 01, is hereby affirmed. Mr. Andersen was separated from employment for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/kkf