

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JODI L JOHNSON
Claimant

APPEAL NO: 07A-UI-10738-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADECCO USA INC
Employer

**OC: 10/14/07 R: 03
Claimant: Appellant (2)**

Section 96.5-2 - Discharge

STATEMENT OF THE CASE:

Jodi L. Johnson (claimant) appealed a representative's November 13, 2007 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Adecco USA, Inc. (employer) would not be charged because the claimant voluntarily quit her employment by failing to notify the employer about the completion of a job assignment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 5, 2007. The claimant participated in the hearing. Chris Delfosse, a staffing consultant, testified on the employer's behalf. Peter Cipriano, a representative with TALX, represented the employer. 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 voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The employer is a contingent staffing firm or a temporary employment firm. The employer finds temporary and full-time employment for applicants. The claimant applied to work for the employer in March 2005. When the claimant applied, she signed paperwork informing that upon completing a job assignment she was required to contact the employer within two days to seek another job.

The employer assigned the claimant to a job at St. Lukes on March 14, 2005. The claimant worked at this job assignment filing medical records until the employer contacted her the evening of October 15. On October 15 the employer told the claimant her job assignment at St. Lukes was finished and she no longer worked at St. Lukes. The employer did not offer the claimant another job during that conversation.

On October 19, the claimant went to the office to pick up her check. Employees were busy so the claimant did not talk to anyone about another job assignment. On October 23, the claimant specifically contacted the employer to ask about another job assignment. The employer informed the claimant there were no jobs to assign her.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code sections 96.5-1, 2-a. A claimant who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the claimant 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 she fails to notify the employer. Iowa Code section 96.5-1-j.

The facts show the employer told the claimant in March 2005 that when she completed a job assignment, she had two days in which to notify the employer about completing the assignment so the employer could assign her another job. Under the facts of this case, the claimant became unemployed on October 15 when she completed a job assignment. The facts further show that the employer did not satisfy the requirement of Iowa Code section 96.5-1-j because the employer informed the claimant she had two days to seek another job instead of three as the statute provides. Since the employer's policy does comply with the law, Iowa Code section 96.5-1-j does not apply in this case. As of October 15, 2007, the claimant became unemployed through no fault of her own when she completed a job assignment. Therefore, as of October 14, 2007, the claimant is qualified to receive unemployment insurance benefits.

DECISION:

The representative's November 13, 2007 decision (reference 01) is reversed. The claimant became unemployed as the result of completing a job assignment. As of October 14, 2007, the claimant is qualified to receive unemployment insurance benefits, provided she 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