

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANDA J LAUBER

Claimant

APPEAL NO. 10A-UI-01831-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC

Employer

OC: 11/22/09

Claimant: Appellant (2)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Amanda Lauber filed an appeal from a representative's decision dated January 25, 2010, reference 02, which denied benefits based on her separation from Team Staffing Solutions, Inc. (TSS). After due notice was issued, a hearing was held by telephone on March 18, 2010. Ms. Lauber participated personally. The employer participated by Sarah Fiedler, Claims Administrator.

ISSUE:

At issue in this matter is whether Ms. Lauber was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Lauber began working through TSS, a temporary placement firm, on August 4, 2008. She was assigned to work full time for All Steel and worked there until October 30, 2008. She was notified on October 31 that the assignment was over.

Ms. Lauber contacted TSS on November 3 and confirmed the end of her assignment with All Steel. At that time, she was offered another assignment with H J Heinz to start immediately. She declined the assignment because she did not have transportation to the job site. She has not had contact with TSS since November 3, 2008.

REASONING AND CONCLUSIONS OF LAW:

Ms. Lauber was hired for placement in temporary work assignments. An individual so employed must complete her last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19), (22). The parties do not dispute that Ms. Lauber completed her assignment with All Steel. The employer's records indicate that she was notified of the end of the assignment on Friday, October 31, and contacted TSS the following Monday, November 3. Therefore, she was in contact with the temporary placement firm within three working days of

the end of her assignment. As such, she is not disqualified pursuant to Iowa Code section 96.5(1)j.

It is true that Ms. Lauber did not accept an offer of work on November 3, 2008. The refusal to accept a new assignment is not a voluntary quit issue but a refusal of work issue. See 871 IAC 24.26(19). Ms. Lauber did not have a claim for job insurance benefits in effect at the time of the refusal. Therefore, she cannot be disqualified because of the refusal. See 871 IAC 24.24(8).

DECISION:

The representative's decision dated January 25, 2010, reference 02, is hereby reversed. Ms. Lauber was separated from TSS for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css