

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY A NEWMIRE
Claimant

APPEAL NO. 09A-UI-07419-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 04/05/09
Claimant: Respondent (1)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Team Staffing Solutions, Inc. filed an appeal from a representative's decision dated May 6, 2009, reference 01, which held that no disqualification would be imposed regarding Timothy Newmire's separation from employment. After due notice was issued, a hearing was held by telephone on June 9, 2009. Mr. Newmire participated personally. The employer participated by Michael Black, Human Resources Director. Exhibit One was admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether Mr. Newmire 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: Mr. Newmire began working for Team Staffing Solutions, Inc., a temporary placement firm, in November of 2007. His last assignment was with CDS, where he began working full time on September 29, 2008. His last day on the assignment was February 9, 2009. A representative of Team Staffing Solutions, Inc. contacted him by phone on February 10 and notified him that the assignment was over. Mr. Newmire was not offered additional work at that time.

Mr. Newmire signed a document at the time of hire advising him that he had to report the completion of an assignment within three working days of the end of the assignment. The requirement is on a separate document that does not contain other terms and conditions of employment.

REASONING AND CONCLUSIONS OF LAW:

Mr. Newmire was hired for placement in temporary work assignments and completed his last assignment. The provisions of Iowa Code section 96.5(1)j require the employee of a temporary placement firm to notify the firm of the completion of an assignment within three working days of the end of the assignment. It is a voluntary quit if the firm is not notified of the completion of the

assignment within the three working days. In the case at hand, it was the temporary firm that notified Mr. Newmire that his assignment was over. The administrative law judge does not believe the law was intended to disqualify an individual for not providing the employer with information the employer had just provided to him.

The purpose of requiring the employee to provide notice that an assignment is over is to put the temporary firm on notice that he is once again available for placement. Inasmuch as Team Staffing Solutions, Inc. advised Mr. Newmire that the assignment was over, it had notice that he was available for a new placement. Since no further work was offered on February 10, no disqualification is imposed.

DECISION:

The representative's decision dated May 6, 2009, reference 01, is hereby affirmed. Mr. Newmire was separated from Team Staffing Solutions, Inc. for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css