

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EFRAIN BARAJAS

Claimant

APPEAL NO. 11A-UI-04083-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC

Employer

OC: 01/02/11

Claimant: Appellant (2)

Section 96.5-1-j – Voluntary Quit from Temporary Employment

STATEMENT OF THE CASE:

Efrain Barajas filed a timely appeal from an unemployment insurance decision dated March 25, 2011, reference 03, that disqualified him for benefits. After due notice was issued, a telephone hearing was held April 21, 2011 with Mr. Barajas participating. Claims Administrator Sarah Fiedler participated for the employer, Team Staffing Solutions, Inc.

ISSUE:

Did the claimant voluntarily leave employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Efrain Barajas was employed by Team Staffing Solutions, Inc. on assignment with The Hon Company when the assignment ended on December 22, 2010. People from The Hon Company told Mr. Barajas to return to them in January. He did so, but his limited English skills prevented them from offering him a position.

Mr. Barajas does not read English. When hired by Team Staffing Solutions, Inc. he was given a document in English advising him that he must return to that employer within three working days after the end of each assignment.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant's separation from employment was a disqualifying event. It was not.

Iowa Code section 96.5-1-j requires that the temporary employer give a temporary worker a separate written notice advising the worker that he or she must return within three working days to seek reassignment. Although the statute does not specify that the notice be in any particular language, it is a fair reading of the statute that the written document must put the temporary employee on notice of his or her duty and of the potential consequences for unemployment

insurance purposes of failing to comply. The notice in English did not effectively advise Mr. Barajas of his obligations. Under these circumstances, the administrative law judge concludes that the provisions of Iowa Code section 96.5-1-j have not been met. No disqualification may be imposed.

DECISION:

The unemployment insurance decision dated March 25, 2011, reference 03, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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