

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SERGIO LECHUGA-HERRERA
Claimant

APPEAL NO. 08A-UI-10845-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC – SEDONA STAFFING
Employer

**OC: 09/28/08 R: 04
Claimant: Respondent (1)**

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Sedona Staffing (Sedona) filed an appeal from a representative's decision dated November 7, 2008, reference 02, which held that no disqualification would be imposed regarding Sergio Lechuga-Herrera's separation from employment. After due notice was issued, a hearing was held by telephone on December 5, 2008. Mr. Lechuga-Herrera participated personally. The employer participated by Colleen McGuinty, Unemployment Benefits Administrator. Patricia Vargas participated as the interpreter.

ISSUE:

At issue in this matter is whether Mr. Lechuga-Herrera was separated from employment for any disqualifying reason.

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. Lechuga-Herrera began working through Sedona, a temporary placement service, in July of 2005. When he filed his claim for job insurance benefits effective September 28, 2008, he had last worked for Sedona on September 16, 2008. The last assignment was with Rock Island Display, where he began working on September 6, 2008. Sedona lost the contract for the site and, therefore, did not have continued work for Mr. Lechuga-Herrera at that site after September 16.

The new contractor for Rock Island Display was Good People Staffing. Mr. Lechuga-Herrera continued to work on the assignment but as an employee of Good People Staffing. He worked on the assignment until September 26 when there was no further work available for him. He was in contact with Sedona at least two to three days each week. On October 2, Sedona contacted him about a work assignment but he did not have the experience required for the assignment. Sedona also contacted him about work on October 7 and again in December.

REASONING AND CONCLUSIONS OF LAW:

Mr. Lechuga-Herrera 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. Lechuga-Herrera completed an assignment with Sedona on September 16. He did not contact Sedona within three working days because he remained on the assignment working through Good People Staffing. Therefore, the failure was for good cause within the meaning of 871 IAC 24.26(15)b.

The administrative law judge is satisfied that Mr. Lechuga-Herrera was in contact with Sedona immediately when his work with Good People Staffing concluded. The fact that Sedona called him on October 2 supports his contention that he sought reassignment at some point between September 26 and October 2. For the above reasons, the administrative law judge concludes that Mr. Lechuga-Herrera is entitled to benefits pursuant to Iowa Code section 96.5(1)j.

DECISION:

The representative's decision dated November 7, 2008, reference 02, is hereby affirmed. Mr. Lechuga-Herrera was separated from Sedona for no disqualifying reason on September 16, 2008. Benefits are allowed, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs