

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

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Appeal Number: 06A-UI-01546-SWT
OC: 12/25/05 R: 01
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1-j – Separation from a Staffing Company

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 30, 2006, reference 01, that concluded she voluntarily left employment without good cause attributable to the employer. A telephone hearing was held on February 27, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Todd Ashenfelter participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. When the claimant was hired, she signed a statement that she was required to contact the employer within 48 hours after the completion of a job assignment and request a new assignment. She started working for the employer in September 2003.

Her last assignment was with Eaton Corporation from April 1, 2005, to December 23, 2005. The claimant was off work due to what she understood was a holiday shutdown. She expected to return to work on January 3, 2006. On January 28, 2005, a staffing consultant with the employer contacted the claimant and informed her that she would not be returning to work on January 3 due to lack of work. The claimant asked whether the employer had any additional work for her. She was informed that there was no work available at that time.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is qualified to receive unemployment insurance benefits based on the reasons for her separation from work.

Iowa Code section 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The claimant is not subject to disqualification under Iowa Code section 96.5-1-j because the employer's policy is not in compliance with Iowa Law, which allows for three days for a claimant to contact their employer and because the claimant satisfied that requirement when she asked about available work on December 28, 2005.

DECISION:

The unemployment insurance decision dated January 30, 2006, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

saw/tjc