

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

MARCIA E THOMAS  
1415 CAPITOL #302  
DES MOINES IA 50316

USA STAFFING INC  
LABOR WORLD OF IOWA  
3921 NE 14<sup>TH</sup> ST  
DES MOINES IA 50313

Appeal Number: 05A-UI-04573-SWT  
OC: 05/16/04 R: 02  
Claimant: Respondent (1)

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1-j – Temporary Employment Separation

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated April 19, 2005, reference 02, that concluded the claimant was laid off to a lack of work. A telephone hearing was held on May 19, 2005. The parties were properly notified about the hearing. The claimant participated in the hearing. Melissa Arneson 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. The employer gave the claimant a statement to read and sign that advised her to contact the employer within three working days after the completion of a work assignment.

The claimant worked for the employer from July 20, 2004 to March 25, 2005. The claimant completed her last assignment and contacted the employer within three days, but the employer had no immediate work available for her.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 was laid off to the lack of work and satisfied the requirements Iowa Code § 96.5-1-j. She is eligible to receive unemployment insurance benefits effective March 27, 2005, which is the date of her additional claim for benefits.

The employer asserted that the claimant had refused work. This issue was not included on the notice of hearing and is the subject of another appeal, Appeal 05A-UI-05389-LT.

DECISION:

The unemployment insurance decision dated April 19, 2005, reference 02, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

saw/sc