

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFF A LAGRANGE
Claimant

APPEAL NO. 09A-UI-02887-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR FINDERS
Employer

**Original Claim: 01/04/09
Claimant: Respondent (1)**

871 IAC 24.26(19) – Casual Labor

STATEMENT OF THE CASE:

Labor Finders filed an appeal from a representative's decision dated February 11, 2009, reference 01, which held that no disqualification would be imposed regarding Jeff Lagrange's separation from employment. After due notice was issued, a hearing was held by telephone on March 19, 2009. Mr. Lagrange participated personally. The employer participated by Joan Valley, Branch Administrator. Exhibits One and Two were admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether Mr. Lagrange 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. Lagrange performed services through Labor Finders on December 23 and 24, 2008. He worked for Fisher Group on both dates. His services were requested back for December 26, but he told Labor Finders he would be out of town and unable to work that date. He did not return to Labor Finders for additional work after December 24, because he had only wanted to work a few days to earn extra money for Christmas.

On January 29, 2008, Mr. Lagrange signed an "Application Disclosure Statement" for Labor Finders. Part of the document asks the employee to verify that statements contained in the employment application are true and advises that false or inaccurate information could result in termination. The document also contains an authorization to conduct a background check. The document outlines the fact that the applicant's employment could be ended at any time. The document authorizes the release of information to third parties. The document contains a statement that the applicant is expected to work in a wide variety of job assignments and is expected to accept assignments for which he or she is qualified. The document is also an agreement to submit to a drug screen if requested. Lastly, the document advises the applicant that he or she must report to Labor Finders and sign up for work within three working days of the end of any job assignment.

REASONING AND CONCLUSIONS OF LAW:

Mr. Lagrange was hired by Labor Finders as a casual laborer. He worked the two days he initially agreed to work. Although there was a third day of work on the assignment, he had not agreed to work three days. Because he worked the two days for which he was hired, it is concluded that he completed the assignment within the meaning of 871 IAC 24.26(19). He was not required to continue seeking work through Labor Finders unless he had been provided the notice required by Iowa Code section 96.5(1)j.

Section 96.5(1)j requires that a temporary placement firm provide the worker with written notification that he must contact the firm within three working days of the completion of an assignment. The law requires that such notice be on a separate document that does not contain other terms and conditions of employment. The notice provided to Mr. Lagrange by Labor Finders does not satisfy the requirements of the law. The document signed by him on January 29, 2008 contains a consent to disclosure of application information as well as a consent to undergo drug testing if necessary. It contains a consent to a background check. It contains an acknowledgement that the information in the application is accurate and a statement indicating the employment is at-will.

Inasmuch as the three-day notice requirement is contained among other terms and conditions of the employment, it does not satisfy the requirements of section 96.5(1)j. As such, it cannot form the basis of a disqualification from job insurance benefits. Therefore, the fact that Mr. Lagrange did not go to the Labor Finders office to register for work within three working days of the end of his assignment was not a disqualifying event. For the reasons stated herein, benefits are allowed.

DECISION:

The representative's decision dated February 11, 2009, reference 01, is hereby affirmed as to result. Mr. Lagrange was separated from Labor Finders on December 24, 2008 for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw