

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DANIEL I MACKEY**  
Claimant

**APPEAL NO. 08A-UI-09556-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AVENTURE STAFFING & PROFESSIONAL  
SERVICES LLC**  
Employer

**OC: 09/14/08 R: 01  
Claimant: 01 (2)**

Section 96.5-1-j – Temporary Employment  
871 IAC 24.26(19) – Temporary Employment

**STATEMENT OF THE CASE:**

Daniel I. Mackey (claimant) appealed a representative's October 15, 2008 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Aventure Staffing Professional Services, L.L.C., formerly known as Salem Management, Inc. / Aventure Staffing & Professional Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 5, 2008. This appeal was consolidated for hearing with one related appeal, 08A-UI-09557-DT. The claimant participated in the hearing. Robert Hardy appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Was there a disqualifying separation from employment?

**FINDINGS OF FACT:**

The employer is a temporary staffing agency. The claimant began taking assignments through the employer on October 5, 2007. His most recent assignment to date began on February 18, 2008. He worked full time as a laborer at the employer's Spencer, Iowa business client through September 13, 2008. The assignment ended that date because the business client no longer had enough work to continue to employ the claimant. The business client informed the employer of the completion of the assignment on September 15, 2008, and the employer's representative contacted the claimant also on that date to inform him of the ending of the assignment. The employer's representative offered the claimant an interview at another business client in another community, Spirit Lake, which the claimant declined, citing the lack of a car. He informed the employer's representative that since he did not have a car, he was going to focus on finding something also in Spencer. Contrary to the employer's second-hand testimony at the hearing, the employer's representative did not offer the claimant another assignment that was in Spencer.

**REASONING AND CONCLUSIONS OF LAW:**

The essential question in this case is whether there was a disqualifying separation from employment.

An employee of a temporary employment firm who advises the employer that he is not interested in reassignment immediately after the ending of an assignment can be deemed to have voluntarily quit his employment with the employer. Iowa Code § 96.5-1-j. Assessing the credibility of the witnesses and reliability of the evidence in conjunction with the applicable burden of proof, as shown in the factual conclusions reached in the above-noted findings of fact, the administrative law judge concludes that while the claimant did indicate to the employer's representative that he was not interested in a new assignment in Spirit Lake, he did not indicate he was uninterested in further work in Spencer.

The separation itself is deemed to be completion of temporary assignment and not a voluntary quit. Should there be a subsequent refusal of an offer of a new assignment, that would be a separate potentially disqualifying issue. Benefits are allowed, if the claimant is otherwise eligible.

**DECISION:**

The representative's October 15, 2008 decision (reference 02) is reversed. The claimant's separation was not a voluntary quit but was the completion of a temporary assignment. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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