

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JUSTIN P RISVOLD**

Claimant

**APPEAL NO. 09A-UI-03367-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**

Employer

**OC: 10/19/08**

**Claimant: Respondent (1)**

871 IAC 24.1(113)a - Layoff

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated February 11, 2009, reference 04, that concluded the claimant completed his work assignment and contacted the employer within three days. A telephone hearing was held on March 26, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. Holly Burtness participated in the hearing on behalf of the employer.

**ISSUE:**

Was the claimant laid off due to lack of work?

Did he contact the employer within three days after completing his work assignment?

**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, he signed a statement that he needed to contact the employer within 48 hours after the completion of a job assignment and request a new assignment.

The claimant worked for the employer on an assignment at Baer Iron & Steel from October 22, 2008, to January 7, 2009. On January 6, there was a meeting at Baer Iron & Steel where it was announced that workers, including the claimant, were being laid off the next day. That afternoon, the claimant called the employer, informed the employer about the layoff, and requested a new assignment, but was informed there was no work available. The claimant also called in on January 12 requesting an assignment, but the employer did not have work at the time.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code section 96.5-1 and 96.5-2-a. On the other hand, completing a temporary work assignment is considered a layoff. 871 IAC 24.1(113)a and 24.26(22).

The employer argued in its appeal letter that the claimant was subject to disqualification under Iowa Code section 96.5-1-j because he voluntarily quit employment by failing to contact the employer within three days after completing his work assignment. First, the employer's policy does not comply with Iowa Code section 96.5-1-j because it requires contact within 48 hours. Second, I believe the claimant satisfied the requirement of contacting the employer within three days seeking a new job assignment through his contacts on January 6 and 12.

**DECISION:**

The unemployment insurance decision dated February 11, 2009, reference 04, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs