

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SCOTT A LARSON**

Claimant

**APPEAL NO. 08A-UI-02659-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**

Employer

**OC: 01/27/08 R: 02  
Claimant: Appellant (2)**

Section 96.5(1)j – Temporary Employment

**STATEMENT OF THE CASE:**

Scott Larson filed an appeal from a representative's decision dated March 3, 2008, reference 02, which denied benefits based on his separation from Express Services, Inc. After due notice was issued, a hearing was held by telephone on April 1, 2008. Mr. Larson participated personally. The employer did not respond to the notice of hearing.

**ISSUE:**

At issue in this matter is whether Mr. Larson was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Larson began working through Express Services, Inc., a temporary placement service, in May of 2007. In October of 2007, he accepted an assignment with Ampro and worked there until January 24, 2008. He was given permission to have January 25 off. He was told that the assignment was near completion at that point. He asked that he be called if he was to return to the assignment after January 25. He was not called and, therefore, assumed the assignment was over.

Mr. Larson next had contact with Express Services on February 13. The only work available at that time was out of town and Mr. Larson could not accept it. He filed a claim for job insurance benefits effective January 27, 2008.

**REASONING AND CONCLUSIONS OF LAW:**

Mr. Larson was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). The administrative law judge is satisfied that Mr. Larson completed his last assignment with Ampro. He was not required to continue seeking temporary assignments unless the requirements of Iowa Code section 96.5(1)j were met.

The law requires that a temporary employer give the employee written notice that he has three working days in which to seek reassignment. The employer did not participate in the hearing to establish what notice was provided to Mr. Larson and whether he was provided a copy of such notice to retain for his records. The employer had the burden of proving that Mr. Larson should be disqualified from receiving benefits pursuant to Iowa Code section 96.5. See Iowa Code section 96.6(2). The employer has failed to establish that Mr. Larson should be disqualified by the provisions of section 96.5(1)j. As such, no disqualification is imposed.

**DECISION:**

The representative's decision dated March 3, 2008, reference 02, is hereby reversed. Mr. Larson was separated from Express Services, Inc. on January 25, 2008 for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css