

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FRANCHESTA BROWN
Claimant

APPEAL NO. 09A-UI-02451-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**AVENTURE STAFFING &
PROFESSIONAL SERVICES**
Employer

OC: 01/04/09
Claimant: Appellant (2)

Section 96.5(1)j – Temporary Employment
Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Franchesta Brown filed an appeal from a representative's decision dated February 10, 2009, reference 01, which denied benefits based on her separation from Aventure Staffing & Professional Services (Aventure). After due notice was issued, a hearing was held by telephone on March 11, 2009. Ms. Brown participated personally. The employer participated by Cyd Hall, Office Manager.

ISSUE:

At issue in this matter is whether Ms. Brown 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: Ms. Brown began working through Aventure on October 21, 2008. On November 24, 2008, she was placed on an assignment with Quality Refrigerated Services. She worked on the assignment until January 5, 2009 when she was advised that the assignment was over. Ms. Brown contacted Aventure on January 8 regarding further work but none was available at the time. She returned to the assignment with Quality Refrigerated Services on February 6 and worked until February 13, 2009.

Aventure decided not to offer Ms. Brown further assignments after she placed a call to the office on February 14. She was upset because she had received a decision from Workforce Development stating she had quit her job with Aventure. Although she was angry during the message, she did not use any profanity.

REASONING AND CONCLUSIONS OF LAW:

Ms. Brown was hired for placement in temporary work assignments. She completed an assignment on January 5, 2009 and sought further work on January 8, three working days after

the assignment ended. Inasmuch as she sought reassignment within three working days, the separation was not a disqualifying event. See Iowa Code section 96.5(1)j. Ms. Brown also completed an additional assignment with the same client on February 13. It was the employer's testimony that she was discharged on February 16. As such, she would not be required to seek reassignment.

An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). Ms. Brown was discharged after she left an angry message for the employer on February 14. Although she was angry, she did not use profanity or other inappropriate language. Her conduct was no more than a good-faith error in judgment or discretion. Conduct so characterized is not considered disqualifying misconduct. See 871 IAC 24.32(1). Therefore, benefits are allowed.

DECISION:

The representative's decision dated February 10, 2009, reference 01, is hereby reversed. Ms. Brown was separated from Aventure for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css