

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RONNA A BARKER

Claimant

APPEAL NO. 11A-UI-07992-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JACOBSON STAFFING COMPANY

Employer

OC: 05/01/11

Claimant: Respondent (1)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Jacobson Staffing Company (Jacobson) filed an appeal from a representative's decision dated June 9, 2011, reference 01, which held that no disqualification would be imposed regarding Ronna Barker's separation from employment. After due notice was issued, a hearing was held by telephone on July 13, 2011. Ms. Barker participated personally. The employer participated by Bert Shinbori, Operations Manager.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Barker began working for Jacobson on August 10, 2010. Her last assignment was with Jacobson Warehouse where she began working full-time hours on September 28, 2010. Her last day at work was April 26, 2011. The supervisor decided that she would be removed from the assignment because of a bad attitude. The specifics of what constituted a "bad attitude" are unknown. Ms. Barker had not been warned, either verbally or in writing, of any problems while working at Jacobson Warehouse.

A representative of Jacobson, Sarah Torres, notified Ms. Barker on May 2 that she was not to return to the assignment at Jacobson Warehouse. The next day, Ms. Barker called her contact at Jacobson, Sue, and asked whether she could apply for unemployment benefits. She also asked that Sue contact her if and when further work was available. Ms. Barker has not been offered any work by Jacobson since that date.

REASONING AND CONCLUSIONS OF LAW:

Ms. Barker was employed for placement in temporary work assignments. An individual so employed must complete her last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Ms. Barker completed her last assignment as she worked

until no further work was available. The evidence failed to establish that her separation from Jacobson Warehouse was due to misconduct. As such, the separation was not a disqualifying event.

Ms. Barker was in contact with Jacobson about further work the day after she was notified that her assignment was over. Therefore, it is concluded that she sought reassignment within three working days as required by Iowa Code § 96.5(1)j. Moreover, the notice the employer provided concerning the three-day reporting requirement was not sufficient to meet legal standards. The law requires that such notice be on a separate document and not included with other terms and conditions of employment. The notice Jacobson provided Ms. Barker is on the reverse of a two-page document that covers such items as work assignment, attendance policy, dress code, reporting injuries, etc. Because the notice provided by the employer was not legally sufficient notice, it could not form the basis of a disqualification even if Ms. Barker had not called Jacobson within three working days of the end of her assignment.

DECISION:

The representative's decision dated June 9, 2011, reference 01, is hereby affirmed. Ms. Barker was separated from Jacobson on May 2, 2011 for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs