

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**SARAH J CLARK
6425 E REINBECK RD
LA PORTE CITY IA 50651**

**VOLT TECHNICAL RESOURCES LLC
2421 N GLASSELL
ORANGE CA 92865-9000**

**VOLT TECHNICAL RESOURCES
C/O TALX EMPLOYER SERVICES
PO BOX 749000
ARVADA CO 80006-9000**

**Appeal Number: 06A-UI-03636-DT
OC: 12/11/05 R: 03
Claimant: Respondent (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.26(22) – Temporary Employment
Section 96.6-2 – Timeliness of Appeal
Section 96.7-2 – Quarterly Statement of Charges

STATEMENT OF THE CASE:

Volt Technical Resources, L.L.C. (employer) appealed a quarterly statement of charges for the fourth quarter 2005 and a representative's January 17, 2006 decision (reference 01) that concluded Sarah J. Clark (claimant) was qualified to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 19, 2006. The claimant participated in the hearing. Tina Miller 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.

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits effective December 11, 2005. A notice of claim was mailed to the employer's last known address of record on December 14, 2005. The employer received the notice. The employer responded to the notice through Employer's Unity, now TALX Employer Services, on December 27, 2005. As a result, a fact-finding was scheduled for January 13, 2006, in which neither party participated; a decision was issued on January 17, 2006 (reference 01) in favor of the claimant. That decision was sent to both parties official addresses of record. The deadline for appeal was specified as January 27, 2006; no appeal was filed by that date.

A quarterly statement of charges for the employer's account, including \$324.00 of charges for benefits paid to the claimant in the quarter ending December 31, 2005, was mailed to the employer on or about February 9, 2006. The employer filed its protest through Employer's Unity, now TALX Employer Services, by appealing the charges by correspondence dated March 9, 2006.

Various communications from the Agency to the employer's official address of record, 2421 N. Glassell, Orange CA 92865-9000, have advised the employer that "Employer's Unity is not the address of record for your account number." In a decision issued by the administrative law judge on February 10, 2006, in unrelated 05A-UI-12661-DT, the administrative law judge found:

The employer's tax account with the Agency is 314081. On June 29, 2005, Employer's Unity sent the Agency a "POA AND CHANGE OF ADDRESS" which requested that all claims communications for the employer be mailed "C/O Employer's Unity, Inc., PO Box 749000, Arvada, CO 80006-9000." Attached was the employer's letter of appointment designating Employer's Unity as its agent regarding unemployment insurance matters. The employer's own principle office was identified as 2401 N. Glassell St., Orange, CA 92865-2705. This "POA AND CHANGE OF ADDRESS" was made a matter of record with the Agency on July 7, 2005.

The unemployment claim portion of Employer's Unity's business was subsequently transferred to another third-party unemployment insurance benefits claims administrator, TALX UC Express. On July 27, 2005, TALX sent a letter to the Agency "RE: VOLT TECHNICAL RESOURCES LLC, IOWA ACCOUNT # 314081-1." The letter stated, "effective July 26, 2005, please change the official mailing address and rescind the 'Letter of Authority' filed with your commission . . . for the above captioned employer, on all forms to read as follows: 'VOLT TECHNICAL RESOURCES LLC, 2421 NORTH GLASSELL, ORANGE CA 92865.'" This became a matter of record with the Agency as of August 30, 2005, and the corresponding change was made to the employer's official address of record.

As of the date of the hearing in this case, the employer has still not taken action to rectify the discrepancy in its official address of record.

The employer is a temporary employment firm providing temporary staffing to a Waterloo, Iowa, business client. The claimant began an assignment at the business client through the employer on December 10, 2002. As of May 7, 2003, her assignment was that of a full time supply management specialist. From the beginning of the assignment, it was known to both parties that the assignment would be for a maximum of three years. Her last day on the assignment was December 9, 2005. The assignment ended because she had successfully completed the maximum three-year term of the assignment.

REASONING AND CONCLUSIONS OF LAW:

There is an underlying question as to whether the employer filed a timely appeal of the representative's decision issued January 17, 2006 (reference 01) which considered the separation and found the claimant was eligible for unemployment insurance benefits. The employer asserted that it was not properly served with a copy of the representative's decision because it was not sent to Employer's Unity, now TALX Employer Services. However, the employer has been previously notified that the official address of record for the employer is the corporate office in Orange CA, not Employer's Unity or TALX Employer Services, and has taken no action. No evidence was presented that the employer did not receive actual notice of the decision which allowed the claimant unemployment insurance benefits.

Assuming for the purposes of this hearing that the employer's appeal can be treated as timely, the underlying question in this case is whether there was a disqualifying separation from employment.

871 IAC 24.26(22) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(22) The claimant was hired for a specific period of time and completed the contract of hire by working until this specific period of time had lapsed. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employees shall be considered to have voluntarily quit employment.

The employer hired the claimant on a temporary basis for a specific period of time. The claimant completed the contract of hire by working until that time had elapsed. Eligibility for unemployment insurance benefits is not conditioned on whether the employment was permanent or temporary, or whether the claimant as a temporary employee was eligible for employment benefits otherwise provided by the employer to its permanent employees.

DECISION:

The representative's January 17, 2006 decision (reference 01) and the statement of charges for the fourth quarter 2005 are affirmed. The claimant's separation was not a voluntary quit but was the completion of a temporary contract of hire. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

ld/kjw