

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

IRMA O SANDOVAL
Claimant

APPEAL NO. 09O-UI-11505-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

**Original Claim: 04/19/09
Claimant: Respondent (1)**

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The employer, Express Services, filed an appeal from a decision dated May 21, 2009, reference 01. The decision allowed benefits to the claimant, Irma Sandoval. After due notice was issued, a hearing was held by telephone conference call on August 26, 2009. The claimant participated on her own behalf. The employer participated by Staffing Consultant Holly Burtness.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Irma Sandoval was employed by Express Services from June 3, 2008 until April 23, 2009. She was on a long-term assignment at Aeron Manufacturing with a possibility of being hired permanently. On April 23, 2009, a representative from Aeron called Express Services and said the claimant had walked off the job and the client wanted her removed from the assignment.

The employer called Ms. Sandoval and said she had been removed from the assignment. The claimant insisted she had told the supervisor she wanted to go home because she had a bad head ache and the supervisor said she could leave. The employer did not interview the supervisor or investigate Ms. Sandoval's version of the incident. During the phone call with Express Services, the claimant did say she was available for another assignment.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-j provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department, but the individual shall not be disqualified if the department finds that:

j. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm of completion of an employment assignment and who seeks reassignment. Failure of the individual to notify the temporary employment firm of completion of an employment assignment within three working days of the completion of each employment assignment under a contract of hire shall be deemed a voluntary quit unless the individual was not advised in writing of the duty to notify the temporary employment firm upon completion of an employment assignment or the individual had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter.

To show that the employee was advised in writing of the notification requirement of this paragraph, the temporary employment firm shall advise the temporary employee by requiring the temporary employee, at the time of employment with the temporary employment firm, to read and sign a document that provides a clear and concise explanation of the notification requirement and the consequences of a failure to notify. The document shall be separate from any contract of employment and a copy of the signed document shall be provided to the temporary employee.

For the purposes of this paragraph:

(1) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their work force during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(2) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

The claimant was removed from the assignment but did ask for more work as soon as she was notified. This meets the requirements of the above Code section and her separation cannot be considered a voluntary quit or disqualifying event.

DECISION:

The representative's decision of May 21, 2009, reference 01, is affirmed. Irma Sandoval is qualified for benefits, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw