

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL HYNES
Claimant

APPEAL NO: 14A-UI-00934-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 12/15/13
Claimant: Appellant (1)

Iowa Code § 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

Michael Hynes (claimant) appealed an unemployment insurance decision dated January 21, 2014, reference 02, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Advance Services, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 17, 2014. The claimant participated in the hearing with his wife Traci Hynes. The employer participated through Michael Payne, Risk Management. Employer's Exhibits One and Two were admitted into evidence.

ISSUE:

The issue is whether the claimant is disqualified for failure to contact the temporary employment agency within three working days after the completion of his assignment, when and if notified of this requirement at the time of hire.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment agency and the claimant was hired on approximately August 28, 2013, and began an assignment on September 3, 2013. At the time of hire, he signed an end of assignment policy, which advised him of the requirement to check in for additional work after the completion of an assignment. The employer requires employees to check in within three working days after an assignment ends to provide the employer notification of the claimant's availability and failure to do so would be considered as a voluntary quit. The claimant was given a copy of the end of assignment policy, which is not part of the application or contract of employment.

The claimant's assignment ended on December 11, 2013. He did not check in with the employer for additional assignments within three working days and was considered to have voluntarily quit as of December 16, 2013. The claimant did check in with the employer on the fourth day after his assignment ended and was eligible for additional assignments.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1. The employer herein is a temporary employment agency and temporary employment agencies are governed by Iowa Code §96.5-1-j, which places specific restrictions on both the employer and the employee with regard to unemployment insurance benefits.

To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and the employer did so in this case. The employer must also notify the individual that he may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer within three working days after his assignment ends. Iowa Code § 96.5-1-j. The claimant denies that he was given a copy of the end of assignment policy but he signed the document which stated he read, understood and received a copy of these policies.

The evidence indicates the claimant knew or should have known he was required to contact the employer within three days after the completion of his assignment so the employer knew whether he was available for additional assignments. The claimant did not contact the employer until the fourth day after the end of his assignment. He has not established good cause for his failure to contact the employer within three days after his assignment. Although the claimant is eligible for continued assignments with the employer, he did not satisfy the requirements of Iowa Code § 96.5-1-j and is disqualified from receiving unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated January 21, 2014, reference 02, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs