

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MEGAN N MEADE
Claimant

APPEAL NO: 11A-UI-06970-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMPRO SERVICES
Employer

OC: 09/26/10
Claimant: Respondent (2/R)

Iowa Code § 96.5(1)j – Voluntary Quit Temporary Employment Firm

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's May 17, 2011 determination (reference 08) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation was for nondisqualifying reasons. The claimant responded to the hearing notice, but was not available for the scheduled hearing. Colleen McGuinty, the unemployment insurance benefits administrator, and Elizabeth Gunnell appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge finds the claimant is not qualified to receive benefits as of April 17, 2011.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits, or did the employer discharge her for reasons constituting work-connected misconduct?

FINDINGS OF FACT:

The claimant registered to work for the employer in October 2010. At that time she received information that when she completed a job assignment she was required to contact the employer within three working days to request another assignment. The claimant also received information that if she did not timely seek another job assignment, the employer would consider her to have voluntarily quit her employment. The employer gave the claimant a copy of this information when she registered to work.

The employer assigned the claimant to a job in November 2010. She completed this assignment on March 3. The client where the claimant had been working asked the employer to assign the claimant to another job assignment with them. The claimant started the second assignment on March 9, 2011. The last day the claimant worked at the assignment was April 13, 2011. On April 14, the client contacted the employer because the claimant had completed the assignment. The employer then formed the claimant she had completed the assignment. The claimant did not ask about another assignment on April 14. She has not contacted the employer about another job assignment.

The claimant reopened her claim during the week of April 24, 2011.

The claimant worked for Tempro Services. The employer's account number is 222649-6.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. 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 that the individual may be disqualified from receiving unemployment insurance benefits if she fails to notify the employer. Iowa Code § 96.5(1)j.

The employer satisfied the requirements of Iowa Code § 96.5(1)j. Even though the claimant successfully completed a job assignment, she failed to ask the employer about another assignment so she could remain employed. For unemployment insurance purposes, the claimant voluntarily quit her employment with the employer for reasons that do not qualify her to receive benefits. As of April 17, 2011, the claimant is not qualified to receive benefits.

An issue of overpayment or whether the claimant is eligible for a waiver of any overpayment will be remanded to the Claims Section to determine. Also, this matter will be remanded to correctly identify the employer the claimant worked for and the note the correct employer's account number.

DECISION:

The representative's May 17, 2011 determination (reference 08) is reversed. After the claimant completed a job assignment, she failed to contact the employer within three working days in an attempt to be assigned to another job. For unemployment insurance purposes the claimant voluntarily quit this employment without good cause. The claimant is disqualified from receiving unemployment insurance benefits as of April 17, 2011. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. This matter is **Remanded** to the Claims Section to correctly identify the employer the claimant worked for – Tempro Services, not

Sedona Staffing Service LLC and to correct the employer's account number. Temprow Services is 222649-6. This matter is also **Remanded** to the Claims Section to determine if the claimant has been overpaid or is eligible for a waiver of any overpayment of benefits she may have received since April 17, 2011.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css