

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JUDY A LAYMON
Claimant

TEAM STAFFING SOLUTIONS INC
Employer

APPEAL NO. 14A-UI-03754-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/16/14
Claimant: Appellant (2)

Iowa Code § 96.5-1-J – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 4, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 29, 2014. Claimant participated. Employer participated by Sarah Fiedler, Human Resource Generalist. Exhibits A, B and One were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on January 9, 2014. Claimant was sick and missed two days from work. Employer took that as a voluntary quit. Claimant properly reported her absences. Claimant spoke to the employer representative the day after the end of the assignment. Claimant asked for further work during that call. Employer noted in its computer record that claimant did not want work and would call back when feeling better. Claimant's sworn testimony is more credible than the hearsay record offered by employer. As such claimant did ask for work within three days of the end of the assignment. Employer has a three-day call-in rule which commands claimant to ask for work within three days of the end of an assignment. Employer notified claimant of that rule at the time of hire.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because the employer ended the assignment due to reported illness and claimant asked for further assignment. Absenteeism due to illness is excusable if reported. Claimant's request to remain on the list for work on January 14 is sufficient to satisfy the three-day call-in rule. This is a quit for good cause attributable to employer because claimant asked for another job within three days. Benefits allowed.

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.

DECISION:

The decision of the representative dated April 4, 2014, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs