

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANTONIO ROSS**  
Claimant

**APPEAL NO: 06A-UI-08173-BT  
ADMINISTRATIVE LAW JUDGE  
DECISION**

**USA STAFFING INC**  
Employer

**OC: 07/09/06 R: 03  
Claimant: Respondent (2)**

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Section 96.5-1-j - Voluntary Quit of Temporary Employment

**STATEMENT OF THE CASE:**

USA Staffing, Inc. (employer) appealed an unemployment insurance decision dated August 9, 2006, reference 01, which held that Antonio Ross (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 11, 2006. The claimant did not comply with the hearing notice instructions and did not call in to provide a telephone number at which he could be contacted, and therefore, did not participate. The employer participated through Heidi Ami Merkle, Employment Coordinator. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Is the claimant disqualified because he failed to contact the temporary employment agency within three working days after the completion of his assignment when 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 claimant was employed as a full-time general laborer for this temporary employment agency from August 16, 2005 through June 25, 2006, when he completed his last assignment. He was advised at the time of hire he had to contact the employment agency within three days after the completion of his last assignment but he failed to do so. The employer has contacted him to offer additional work but he refused each time.

The claimant filed a claim for unemployment insurance benefits effective July 9, 2006 but has not received benefits after the separation from employment.

**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 or if the employer discharged him for work-connected misconduct. Iowa Code sections 96.5-1 and 96.5-2-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 ending a 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. The employer must also notify the individual that he may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code section 96.5-1-j.

The evidence indicates the claimant knew or should have known he was required to contact the employer after the completion of his last assignment to let the employer know of his availability for additional work. The claimant did not contact the employer within three days after the end of his last assignment and has refused all subsequent offers of work, which further demonstrates his intent to quit. The claimant did not satisfy the requirements of Iowa Code section 96.5-1-j and is disqualified from receiving unemployment insurance benefits.

**DECISION:**

The unemployment insurance decision dated August 9, 2006, reference 01, is reversed. The claimant is not eligible to receive unemployment insurance benefits because he was discharged from work for misconduct. Benefits are withheld until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. There is no overpayment as a result of this decision.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs