

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBRA L MASSEY
Claimant

APPEAL NO. 11A-UI-12463-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 08/07/11
Claimant: Appellant (2)

Section 96.5-1-j – Voluntary Quit/Failure to Seek Re-Assignment

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated September 15, 2011, reference 02, that held she voluntarily quit without good cause on August 10, 2011, and benefits are denied. A telephone hearing was held on October 17, 2011. The claimant and former employee, Michele Newberry, participated. The employer submitted a written statement with Exhibits 1 and 2.

ISSUE:

Whether claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the witness testimony and having considered the evidence in the record, finds that: The claimant began work on assignment at Roquette America on December 6, 2010, and she signed an employer policy that provides she must seek re-assignment within three days of job completion. She was notified by a person whom she and other employees considered the on-site supervisor for the employer, Eric Bowen, that she completed her work assignment on August 7, 2011. Bowen directed claimant and other workers to go file for unemployment as there was no other work assignments available.

The employer submitted a written statement in lieu of personal participation.

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 administrative law judge concludes the claimant voluntarily quit with good cause attributable to her employer on August 7, 2011 when she completed her job assignment and no further work was available.

The employer does not contest claimant completed her last assignment on August 7, but it contends that Bowen was not an employer supervisor who could speak on behalf of the employer about further work. The claimant offered a witness who confirmed she believed Bowen was an on-site supervisor for the employer who told employees the job was over and go file for unemployment. Since Bowen was an employee and acted in a lead role as to other workers, claimant could reasonably rely on his statement that no further work was available and go file for unemployment to satisfy the three-day notice requirement.

DECISION:

The department decision dated September 15, 2011, reference 02, is reversed. The claimant voluntarily quit with good cause on August 7, 2011 when she completed her work assignment, and no further work was made available. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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