

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SHERMANDO T CAMPBELL
Claimant

APPEAL NO. 14A-UI-04693-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 04/06/13
Claimant: Respondent (2)

Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

Employer filed an appeal from the April 30, 2014, (reference 01) decision that allowed benefits. After due notice was issued, a hearing was held on May 27, 2014. The claimant did not participate. The employer participated through Sarah Fielder.

ISSUES:

The issue is whether claimant voluntarily quit his work from a temporary employment agency by not timely reporting after completion of a work assignment.

The additional issue is whether claimant was overpaid benefits, and if so, should claimant repay benefits or charge employer due to employer participation or lack thereof in fact finding.

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant was employed through the employer performing temporary work from November 13, 2013 through February 24, 2014. When claimant was first employed, he signed a document, separate from other employment documents that indicated he would be in touch with employer within three days of completing an assignment. (Employers A). The document further states that he will be deemed a voluntary quit if he is not in touch with employer within three days. Further it states that his failure to contact employer may affect his ability to collect unemployment insurance benefits.

Claimant was assigned to work with Doran and Ward Printing Co. Neither the claimant nor Doran and Ward let employer know the assignment had been completed until well after the February 24, 2014 finishing date. When claimant contacted employer well after the three-day lapse, he was informed that he'd been deemed to be a voluntary quit. Additional work had been available at other locations at the time claimant finished working for Doran and Ward. When claimant called in March 11, this call was logged into his personnel file, and a separate hand-written call-in note was created.

Employer participated in fact finding by speaking on the phone with the representative of IWD.

REASONING AND CONCLUSIONS OF LAW:

The law requires a 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.” Iowa Code 96.5-1-j. The claimant received this document. (Employer’s A). The document complies with the Iowa Code.

The claimant is a temporary employee and is required to notify the temporary agency within three working days of the end of the assignment and of the availability to accept reassignment. In this case, the claimant gave the employer no notice of his availability and did not seek work from employer on or before February 27, 2014. Therefore he is considered to have quit the employment without good cause attributable to the employer. Benefits are denied.

DECISION:

The April 30, 2014, reference 01, decision is reversed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant’s weekly benefit amount, provided claimant is otherwise eligible.

The issue of overpayment is remanded to the fact finder to determine the amount, if any, of claimant’s overpayment given the reversal of this matter and employer’s previous participation in fact finding.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/css