

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANDRE WARREN**  
Claimant

**APPEAL NO: 12A-UI-08065-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PERSONNEL PLUS**  
Employer

**OC: 05/20/12**  
**Claimant: Respondent (4)**

Section 96.5-1-j – Voluntary Quit/Further Assignment  
871 IAC 24.27 – Part-time Employment

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated June 28, 2012, reference 06, that held it failed to establish misconduct in the discharge of claimant on April 16, 2012, and benefits are allowed. A telephone hearing was held on July 30, 2012. The claimant did not participate. Judy Collins, Manager, participated for the employer.

**ISSUE:**

The issue is whether the 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: The claimant worked for the employer on a series of temporary assignments as a part-time worker from February 1, 2012 to April 15. The claimant worked shows at an International Union Hall location as assigned by the employer. He would experience a brief break period from one show to the next and he would call in to the employer to learn when he was to report for work on the next show.

After finishing a show on April 15, claimant failed to report for the next show that began later in the week. Continuing employment was available to the claimant. He failed to respond to the hearing notice.

**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 that the claimant voluntarily quit employment without good cause attributable to the employer on April 16, 2012 when he failed to contact the employer for further assignment.

The claimant worked a pattern of part-time employment by doing a series of shows at the same location with brief break periods between them. His failure to contact the employer for a further assignment within three working days of April 15 is a voluntary quit without good cause.

871 IAC 24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on the Form 65-5323 or 60-0186, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as

determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

The administrative law judge further concludes the claimant's quit of part-time employment is not disqualifying due to qualifying wages with other employers in the base period.

The department record shows claimant worked for other employers during his base period that make him monetarily eligible for benefits, so the disqualifying employment separation in this case does not deny him benefits. The employer in this matter is not liable for benefit charges.

**DECISION:**

The department decision dated June 28, 2012, reference 06, is modified. The claimant voluntarily quit without good cause his part-time non base period employment on April 16, 2012. Claimant is monetarily eligible for benefits based on base period employment, but the employer in this matter is not liable.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs