

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BRENT YOUNG
Claimant

ADVANCE SERVICES INC
Employer

APPEAL NO. 14A-UI-02674-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 08/25/13
Claimant: Appellant (2)**

Iowa Code § 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

Brent Young (claimant) appealed an unemployment insurance decision dated March 7, 2014, (reference 05), which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Advance Services, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 1, 2014. The claimant participated in the hearing. The employer elected not to participate in the hearing.

ISSUE:

The issue is whether the claimant is disqualified for failure to contact the temporary employment agency within three working days after the completion of his assignment, when and if 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 employer is a temporary employment agency and the claimant was hired on September 16, 2013. At the time of hire, the claimant signed an end of assignment policy which advised him of the requirement to check in for additional work after the completion of an assignment. The employer requires employees to check in within three working days after an assignment ends to provide the employer notification of the claimant's availability and failure to do so would be considered as a voluntary quit. The claimant was given a copy of the end of assignment policy, which is not part of the application or contract of employment.

The claimant was assigned to Pella and his assignment ended on January 31, 2014. On that same day, he called the employer's Clarinda office and spoke with Tracy, who told him to call back on the following Monday. The claimant called the employer to request work on February 3, 2014, and again on February 5, 2014.

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. Iowa Code § 96.5-1. The employer herein is a temporary employment agency and temporary employment agencies are governed by Iowa Code §96.5-1-j, which places specific restrictions on both the employer and the employee with regard to unemployment insurance benefits.

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 and the employer did so in this case. 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 § 96.5-1-j. The claimant was given a copy of the end of assignment policy which advised him that failure to contact the employer after the end of an assignment could result in a loss of unemployment benefits.

The claimant knew he was required to contact the employer after the completion of his assignment and he contacted the employer several times within three days after the end of his assignment. The claimant has satisfied the requirements of Iowa Code § 96.5-1-j and qualifies for unemployment insurance benefits, provided he is otherwise eligible.

DECISION:

The unemployment insurance decision dated March 7, 2014, (reference 05), is reversed. The claimant voluntarily quit his employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs