

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**REBECCA R SEIDENKRANZ**  
Claimant

**MIDWEST PROFESSIONAL STAFFING LLC**  
Employer

**APPEAL 19A-UI-04382-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/21/18**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment

**STATEMENT OF THE CASE:**

On May 29, 2019, the claimant filed an appeal from the May 24, 2019, (reference 06) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit her temporary employment. The parties were properly notified of the hearing. A telephonic hearing was held on July 2, 2019. The claimant, Rebecca R. Seidenkranz, participated at the outset, but disconnected and did not call back before the hearing was over. The employer, Midwest Professional Staffing, L.L.C., participated through Liz Wilkinson, Office Manager. Employer's Exhibits 1, 2, and 3 were received and admitted into the record.

**ISSUE:**

Did claimant quit by not reporting for additional work assignments within three business days of the end of the last assignment?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time, most recently as a transcriptionist, from April 4, 2019, until April 24, 2019. Claimant was last assigned to a position at Casey's. Staffing Manager Melissa Gray contacted claimant on April 24 to let her know the assignment was ending that day. Claimant indicated she would have doctor's appointments and surgery coming up and was not sure of her schedule. Gray told claimant to be in touch with her recruiter when she was seeking another assignment. Claimant did not make contact with her recruiter until May 30, 2019.

The employer maintains a Voluntary Quit Policy. (Exhibit 2) This policy states that an employee must notify the company within three business days of completing an assignment to seek reassignment. (Exhibit 2) Claimant received and signed off on this policy on March 31, 2019. (Exhibit 2)

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation was without good cause attributable to the employer.

Iowa Code § 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. (1) 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.

(2) 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.

(3) For the purposes of this paragraph:

(a) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their workforce during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(b) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

Iowa Admin. Code r. 871-24.26(15) provides:

Employee of temporary employment firm.

a. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm within three days of completion of an employment assignment and seeks reassignment under the contract of hire. The

employee must be advised by the employer of the notification requirement in writing and receive a copy.

b. The individual shall be eligible for benefits under this subrule if the individual has good cause for not contacting the employer within three days and did notify the employer at the first reasonable opportunity.

c. Good cause is a substantial and justifiable reason, excuse or cause such that a reasonable and prudent person, who desired to remain in the ranks of the employed, would find to be adequate justification for not notifying the employer. Good cause would include the employer's going out of business; blinding snow storm; telephone lines down; employer closed for vacation; hospitalization of the claimant; and other substantial reasons.

d. Notification may be accomplished by going to the employer's place of business, telephoning the employer, faxing the employer, or any other currently acceptable means of communications. Working days means the normal days in which the employer is open for business.

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for and seeking work at the end of the temporary assignment. In this case, the employer contacted claimant to alert her that her assignment was ending. Claimant was given a copy of the Voluntary Quit Policy when she was hired, and she was aware that she needed to contact her recruiter to seek reassignment in order to be eligible for unemployment insurance benefits. Claimant waited over one month to contact her recruiter and seek reassignment. The evidence in the record shows that claimant's separation was without good cause attributable to the employer. Benefits are withheld.

**DECISION:**

The May 24, 2019, (reference 06) unemployment insurance decision is affirmed. Claimant separated from employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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