

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEREMIAH B SCHWAKE
Claimant

APPEAL NO: 13A-UI-07065-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC
Employer

OC: 12/23/12
Claimant: Appellant (2)

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 10, 2013 determination (reference 02) that disqualified him from receiving benefits because he voluntarily quit working for the employer for reasons that do not qualify him to receive benefits. The claimant participated at the hearing. Megan Kugler and Rhonda Hefter appeared on the employer's behalf. During the hearing, Employer Exhibit One was offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits as of May 5, 2013.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of December 23, 2012. The employer is a temporary staffing firm. The claimant registered to work with the employer on January 21, 2013. The claimant received a copy of the employer's 3-Day Reassignment Policy. (Employer Exhibit One.) The claimant understood the policy.

The claimant started an assignment on April 17, 2013, that accommodated his light-duty restrictions. On May 7, 2013, the claimant went to the employer's office and provided a doctor's note that released him to work full time without restrictions. As a result of the release to work full time, the claimant's light-duty assignment ended on May 7, 2013.

As the claimant was leaving, he asked the employer for more work. Even though the claimant understood the employer would call him if they had another job to assign to him, he contacted the employer again on Monday, May 13, and has continued to contact the employer for another job. The claimant understood he was to contact the employer each week he was available to work. The employer has not assigned he claimant to another job.

The branch manager does not recall the claimant asking for another assignment on May 7. The employer did not record his May 7 request for another job in the employer's computer system.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if she does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if he fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

Since the claimant brought the doctor's release to the office on May 7, which ended his light-duty assignment, it is more likely than not that he asked the employer about another job. Since he said it as he was leaving, it is also probable that Kugler and another employee did not record this request. The fact the claimant again contacted the employer on May 13 and subsequent weeks for another assignment supports his credibility that he asked about another assignment on May 7. Since the claimant requested another assignment and the employer did not have one then or in subsequent weeks, the claimant is not disqualified from receiving benefits as of May 5, 2013.

The employer is not one of the claimant's base period employers. During his current benefit year, the employer's account will not be charged.

DECISION:

The representative's June 10, 2013 determination (reference 02) is reversed. The claimant made a timely request for another assignment. Therefore, he did not quit and he became unemployed for nondisqualifying reasons. As of May 5, 2013, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs