

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JACQUELINE K BURGETT**

Claimant

**APPEAL NO. 10A-EUCU-00066-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEMP ASSOCIATES - MARSHALLTOWN**

Employer

**OC: 03/01/09**

**Claimant: Appellant (2)**

Section 96.5(1)j – Quit/Temporary

**STATEMENT OF THE CASE:**

The claimant, Jacqueline Burgett, filed an appeal from a decision dated January 25, 2010, reference 13. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on March 18, 2010. The claimant participated on her own behalf. The employer, Temp Associates, participated by Account Manager Art Heinzer.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Jacqueline Burgett was employed by Temp Associates from November 16, 2009 until December 2, 2009. She was assigned to Priority Plastics for an indefinite period of time. On December 2, 2009, the claimant contacted Account Manager Art Heinzer and asked for another assignment. The physical work at the client company had caused her physical problems with her back and shoulder. The employer did not offer her any other work.

**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 claimant did contact the employer and request a new assignment when she ended her current one. Temp Associates declined to offer her any more assignments. But she has met the requirements of the above Code section and is qualified for benefits.

The employer stated one of the reasons she was not offered another assignment was that she did not keep in contact with the agency. This may be required by the company but is not required by the Iowa unemployment statute.

**DECISION:**

The representative's decision of January 25, 2010, reference 13, is reversed. Jacqueline Burgett is qualified for benefits, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs