

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LORI SCOTT
Claimant

APPEAL NO. 07A-UI-02963-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING
Employer

OC: 05/21/06 R: 03
Claimant: Respondent (1)

Section 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

Sedona Staffing (employer) appealed an unemployment insurance decision dated March 15, 2007, reference 03, which held that Lori Scott (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 11, 2007. The employer participated through Colleen McGuinty, Unemployment Benefits Administrator, and Tom Appel, Account Manager. Employer's Exhibit One was admitted into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant disqualified because she failed to contact the temporary employment agency within three working days after the completion of her assignment when notified of this requirement at the time of hire?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was employed as a full-time general laborer from August 5, 2004 through January 16, 2007, when she was removed from her assignment due to poor attendance. She went to the employer's office on January 19, 2007 to get her paycheck and her account manager was not in. The claimant reported that she told the secretary to have her account manager call her for an additional assignment. The claimant could not remember the secretary's name. The employer has no computer record of the claimant requesting additional work. The claimant next spoke with the employer on January 26, 2007.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the

employer or if the employer discharged her for work-connected misconduct. See Iowa Code §§ 96.5-1 and 96.5-2-a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after ending a 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 the individual in writing of the three-day notification rule. The employer must also notify the individual that she may be disqualified from receiving unemployment insurance benefits if she fails to notify the employer. Iowa Code § 96.5-1-j.

In the case herein, the employer's end-of-assignment notification policy does satisfy the requirements of Iowa Code § 96.5(1)(j). The claimant testified she did contact the employer for additional assignments on January 19, 2007, when she picked up her paycheck and told the secretary to have her account manager call her, although she could not remember the secretary's name. The employer only provided evidence that its computer records had no entries confirming the claimant requested additional work. Although neither party's evidence was particularly compelling, the claimant offered direct evidence while the employer offered hearsay evidence. The claimant must be given the benefit of the doubt that she contacted the employer within three working days following the completion of her assignment. The claimant is considered to have voluntarily quit with good cause attributable to the employer and benefits are allowed.

DECISION:

The unemployment insurance decision dated March 15, 2007, reference 03, is affirmed. The claimant voluntarily quit her employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw