

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

CRAIG A HOSTING
PO BOX 23
FT ATKINSON IA 52144

LABOR READY MIDWEST INC
ATTN PAYROLL TAX DEPARTMENT
PO BOX 2910
TACOMA WA 98401-2901

LABOR READY MIDWEST
1818 WILLISTON AVE
WATERLOO IA 50702

Appeal Number: 04A-UI-11252-BT
OC: 09/05/04 R: 03
Claimant: Respondent (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

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

STATEMENT OF THE CASE:

Labor Ready Midwest, Inc. (employer) appealed an unemployment insurance decision dated October 7, 2004, reference 02, which held that Craig Hosting (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 November 10, 2004. The claimant did not comply with the hearing notice instructions and did not call in to provide a telephone number at which he could be contacted, and therefore, did not participate. The employer participated through Rick Bartlett, Branch Manager.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on July 8, 2004 as a full-time temporary assembly line worker. At the time of hire, he signed the employer's policy that advised him he would be considered to have voluntarily quit his employment if he failed to contact the employer within three working days of the completion of an assignment. The claimant's assignment ended on September 3, 2004 and he failed to contact the employer after that date. The employer considered him to have voluntarily quit his employment as of September 10, 2004, which was the fourth working day after the completion of his assignment.

The claimant filed a claim for unemployment insurance benefits effective September 5, 2004 but has not received benefits after the separation from employment.

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 or if the employer discharged him for work-connected misconduct. Iowa Code Sections 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 he may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code Section 96.5-1-j.

The evidence indicates the claimant knew or should have known he was required to contact the employer after he was discharged from that assignment so the employer could assign him to another job. The claimant did not sign in for work or contact the employer after the completion of his assignment. The claimant did not satisfy the requirements of Iowa Code Section 96.5-1-j and is disqualified from receiving unemployment insurance benefits as of week ending September 11, 2004.

DECISION:

The unemployment insurance decision dated October 7, 2004, reference 02, is reversed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount provided he is otherwise eligible. There is no overpayment as a result of this decision.

sdb/s