

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DEATTRA S WOOLFOLK**  
Claimant

**APPEAL 22A-UI-00405-S2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QPS EMPLOYMENT GROUP INC**  
Employer

**OC: 10/17/21  
Claimant: Respondent (2)**

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Iowa Code § 96.5(1) – Voluntary Quit  
Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment  
Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview  
Iowa Code § 96.4(3) – Ability to and Availability for Work

**STATEMENT OF THE CASE:**

The employer filed an appeal from the November 22, 2021, (reference 03) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on January 25, 2022. Claimant Deattra S. Woolfolk did not register for the hearing and did not participate. Employer QPS Employment Group, Inc. participated through unemployment coordinator Jessica Segner. The administrative law judge took official notice of the administrative record.

**ISSUES:**

Did claimant voluntarily quit the employment with good cause attributable to employer?  
Did the claimant voluntarily quit by not reporting for an additional work assignment within three business days of the end of the last assignment?  
Has claimant been overpaid unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?  
Is claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was a temporary employee of a temporary employment firm. Claimant began her employment on February 17, 2021.

Claimant received her job assignment from the employer to work full time. This job assignment began February 17, 2021, and ended on April 9, 2021. The reason the job assignment ended was because claimant quit. After she ended the assignment, claimant reported to the employer within three working days and requested further assignment as required by written policy. Employer offered claimant an assignment, and she asked for time to think about it. Claimant did not contact employer again.

Claimant filed a claim for benefits with an effective date of October 17, 2021. Since filing her claim, she has not received any benefits payments. Employer participated in the fact-finding interview on November 16, 2021, through unemployment coordinator Jessica Segner.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the separation was without good cause attributable to the employer. Benefits are denied.

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(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for work at the conclusion of each temporary assignment so they may be reassigned and continue working. The plain language of the statute allows benefits for a claimant “who notifies the temporary employment firm of completion of an assignment and who seeks reassignment.”

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). “Good cause” for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm’n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

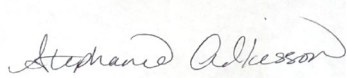
Here, claimant notified employer that she left her assignment and requested another assignment. Employer offered claimant an assignment; however, after requesting time to think about the offer, claimant failed to respond to employer. There was no further communication between claimant and employer. The administrative law judge finds that claimant voluntarily left her employment. Claimant provided no testimony or evidence as to why she left her employment or failed to communicate further with employer. As such, claimant has failed to establish her leaving was for good cause attributable to the employer according to Iowa law. Benefits are denied.

Because claimant’s separation is disqualifying, the issue of whether claimant is able to and available for work is moot.

Because no regular unemployment insurance benefits have been paid to claimant on the account, the issues of overpayment of benefits and chargeability are moot.

**DECISION:**

The November 22, 2021, (reference 03) unemployment insurance decision is reversed. The claimant voluntarily left her 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. The issues of overpayment of benefits and chargeability, as well as whether claimant is able to and available for work, are moot.



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February 16, 2022  
Decision Dated and Mailed

sa/scn