

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KENDRA N MESTDAGH**  
Claimant

**APPEAL NO. 12A-UI-03394-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 02/12/12**  
**Claimant: Appellant (1)**

Section 96.5(1)j – Quit/Temporary

**STATEMENT OF THE CASE:**

The claimant, Kendra Mestdagh, filed an appeal from a decision dated March 30, 2012, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on April 18, 2012. The claimant participated on her own behalf. The employer, Express Services, participated by Director of Operations Erin Johnson.

**ISSUE:**

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

**FINDINGS OF FACT:**

Kendra Mestdagh was employed by Express Services from August 16, 2011 until February 15, 2012. Her only assignment during that time was at Rain and Hail Insurance. That assignment ended on February 10, 2012, and the claimant was notified by Director of Operations Erin Johnson the work there was done.

At the time she was hired Ms. Mestdagh was given the employee notice that all temporary employees must contact the agency within three working days of the end of each assignment to request more work. The document further stated failure to do so would be considered a voluntary quit. Although the claimant signed the document she apparently did not read it carefully or remember it clearly because she did not call in and request more work within three working days of the end of her assignment.

**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 not contact the temporary agency within three working days of the end of her assignment on Friday, February 10, 2012. Under the provisions of the above Administrative Code section this is a voluntary quit without good cause attributable to the employer. The claimant is disqualified.

**DECISION:**

The representative's decision of March 30, 2012, reference 02, is affirmed. Kendra Mestdagh is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, 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