

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHERMAN L ROBINSON**  
Claimant

**APPEAL NO. 12A-UI-02008-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LABOR READY MIDWEST INC**  
Employer

**OC: 01/01/12**  
**Claimant: Appellant (2)**

Iowa Code § 96.5-1-j – Voluntary Quit Temporary Employment

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated February 24, 2012, reference 02, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on March 15, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing. Laura Langenberg participated in the hearing on behalf of the employer.

**ISSUES:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

Was he discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. When the claimant was hired, he signed a statement that he needed to check with the employer after the completion of a job assignment and request a new assignment.

The claimant worked on an assignment at the Marriott Hotel from May 5 through October 15, 2011. Management at the Marriott Hotel requested the claimant be removed from the assignment. He was informed of the decision and kept in regular contact with the employer starting within a few days after he was informed of the decision but there was no work available.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The employer's witness was asked if the employer had a rule requiring workers to contact the employer within a certain number of days after completing a work assignment. She said there was no set time. In any event, the preponderance of the evidence shows the claimant contacted the employer within a few days after he was informed the assignment was completed, so no disqualification is warranted. The employer has not proven the removal from the assignment was due to any misconduct by the claimant that would disqualify him under Iowa Code § 96.5-2-a. He is qualified to receive benefits if he is otherwise eligible.

**DECISION:**

The unemployment insurance decision dated February 24, 2012, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css