

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN P STRONG
Claimant

APPEAL NO: 06AUI 08263-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADDECCO USA INC
Employer

**OC: 07/02/06 R: 02
Claimant: Respondent (1)**

Section 96.5-1-j – Temporary Employment

STATEMENT OF THE CASE:

Adecco USA, Inc. (employer) appealed a representative's August 7, 2006 decision (reference 01) that concluded John P. Strong (claimant) was qualified to receive unemployment insurance benefits because he completed a job assignment and the employer did not have another job to assign him on May 1, 2006. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 31, 2006. The claimant participated in the hearing. Linda Green, a representative with TALX, appeared on the employer's behalf with Katie Nguyen, a senior staffing consultant, testifying on the employer's behalf. 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.

ISSUES:

Did the claimant voluntarily quit his employment without good cause, or did the employer discharge him for work-connected misconduct?

Did the claimant seek another job assignment from the employer?

Did the employer satisfy the requirements of Iowa Code § 96.5-1-j?

FINDINGS OF FACT:

The claimant registered to work for the employer in 1999. The claimant has worked long-term and short, one-day assignments for the employer. When the claimant registered to work for the employer, the employer told him it was his responsibility to keep the employer advised of his availability to work. The employer expects the claimant to contact the employer once a week when he is not assigned to a job. The claimant did not receive any information about when he needed to contact the employer.

The employer assigned the claimant to a one-day job on May 1, 2006. The claimant completed this job assignment. When the claimant completed the job on May 1, the employer had a representative at the job site who recorded the number of hours the claimant and other workers

had worked at this assignment. On May 1, the claimant told the employer's representative he would like another assignment. On May 2, the claimant called the employer's office and again asked for another assignment. The employer did not assign the claimant to another job at that time.

The employer does not have a record of the claimant calling on May 2. In the past, the employer has called the claimant when there is an assignment he had the ability to do. The employer's records indicate the claimant contacted the employer on July 28, 2006, to indicate he was available to work and wanted another assignment.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1,2-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 completing the 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 and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5-1-j.

The facts establish that the employer did not satisfy the requirements of Iowa Code § 96.5-1-j. While the employer told the claimant it was his responsibility to keep the employer advised of his availability, the employer did not provide the claimant with any written information that failing to contact the employer within three days of completing a job assignment could disqualify him from receiving unemployment insurance benefits. Therefore, the employer did not satisfy the requirements of this law and it does not apply in this case.

The facts, however, establish the claimant became unemployed on May 2, 2006 after he completed a one-day job assignment on May 1. When the claimant provided the employer's representative with the number of hours he worked, the claimant asked about another job. Under the facts of this case, the claimant became unemployed again on May 2 because the employer did not have another job to assign to the claimant. Since the claimant did not voluntarily quit and the employer did not discharge him for work-connected misconduct, the claimant is qualified to receive unemployment insurance benefits...

DECISION:

The representative's August 7, 2006 decision (reference 01) is affirmed. After the claimant completed a one-day job assignment on May 1, the employer did not have another job to assign

to him. The requirements under Iowa Code § 96.5-1-j have not been established. The reasons for the claimant's unemployed status as of May 2, 2006, qualify the claimant to receive unemployment insurance benefits. As of May 2, 2006, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. The employer's account may be charged for benefit paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs