

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BARBARA A GRIER
Claimant

APPEAL NO. 10A-UI-05888-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AVENTURE STAFFING
Employer

OC: 11/08/09
Claimant: Appellant (1)

Section 96.5-1-j – Voluntary Leaving – Temporary Appointment

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated April 13, 2010, reference 01, which denied benefits based upon her separation from Aventure Staffing. After due notice, a telephone hearing was held on June 8, 2010. The claimant participated personally. The employer participated by Ms. Cyd Hall, Office Manager.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Barbara Grier was employed by Aventure Staffing from March 1, 2010 until March 11, 2010. Ms. Grier was assigned to work as a laborer at the TPI Composite Company and was paid by the hour. The assignment with TPI Composite was a long-term assignment and could result in permanent employment. At the time that the claimant accepted the assignment she signed an agreement with Aventure Staffing to contact the temporary employment service within three working days of the end of any assignment to inform the temporary service of the assignment's end and her availability for new work assignments.

On March 11, 2010 Ms. Grier informed TPI Composite that she would not be returning to work as of medical conditions. Fumes at the work location were affecting the claimant medically.

Ms. Grier did not provide direct notification to Aventure Staffing that the assignment had ended or to inform the temporary employment service of her availability for work at the conclusion of the previous temporary assignment. Ms. Grier left a message for an Aventure Staffing representative. It was the claimant's intention to quit her employment with Aventure Staffing and seek new employment on her own.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily left employment without good cause attributable to the employer.

Iowa Code section 96.5-1 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.

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 purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for work at the conclusion of a temporary assignment. Ms. Grier did not make direct contact with Aventure Staffing to inform them that the assignment had ended and to

give notice that she was available for work. Ms. Grier had decided to quit her employment with Aventure Staffing after leaving her most recent temporary assignment without completing it. The claimant knew or should have known that other potential assignments were available to her through Aventure Staffing. The claimant however, for her own personal reasons, chose to seek employment on her own. Cause for leaving attributable to the employer has not been shown. Benefits are withheld.

DECISION:

The Agency representative's decision dated April 13, 2010, reference 01, is affirmed. The claimant's separation from employment was not attributed to the employer. The claimant did not provide adequate required information to the employer that her assignment had ended as it was the claimant's intention to quit her employment with Aventure Staffing and seek other work. The claimant is disqualified until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, providing that she meets all other eligibility requirements.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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