

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VICTORIA HINMAN**  
Claimant

**APPEAL NO. 13A-UI-14205-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 07/21/13**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
Section 96.5-1-j – Separation from Temporary Employment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated December 20, 2013, reference 06, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on January 21, 2014. The claimant participated personally. The employer participated by Michael Payne, Risk Manager. The record consists of the testimony of Victoria Hinman; the testimony of Michael Payne; Claimant's Exhibit A; and Employer's Exhibits 1-3.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a temporary staffing agency. The claimant accepted an assignment from the employer with Palmer Candy in Sioux City, Iowa. The assignment lasted from August 30, 2013, through November 23, 2013.

On November 25, 2013, the claimant contacted the employer. She asked for time off due to a family emergency. Her niece had been involved in an automobile accident and had died. The funeral services were held on November 28, 2013. The claimant did not return to work and did not contact the employer about further time off. The claimant remained with her family. Since the employer did not hear from the claimant, the employer's client ended the assignment on December 3, 2013. The employer informed the claimant that the assignment had ended. The claimant did not request a new assignment until December 19, 2013.

The claimant signed a separate form called "end of assignment policy", which stated that the claimant must contact the employer within three working days after the assignment ends to

request further assignment and that failure to do so will be considered an automatic quit. (Exhibit 2) The claimant received a copy of that policy.

### **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 is not eligible for unemployment insurance benefits. The evidence is uncontroverted that the claimant was informed on December 3, 2013, that her assignment had been ended at Palmer Candy. The claimant did not request another assignment and did not request another assignment until December 19, 2013. The administrative law judge can understand why the claimant delayed, given the tragic circumstances surrounding her niece's death, but that does not mean that good cause can be attributed to the employer. The employer fully complied with Iowa Code section 96.5-1-j. Benefits are therefore denied.

**DECISION:**

The decision of the representative dated December 20, 2013, reference 06, is affirmed. Unemployment insurance benefits shall be withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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