

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEVE TRAYLOR**  
Claimant

**APPEAL NO: 11A-UI-14329-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 01/02/11**  
**Claimant: Respondent (1)**

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

**STATEMENT OF THE CASE:**

Advance Services, Inc. (employer) appealed an unemployment insurance decision dated October 25, 2011, reference 02, which held that Steve Traylor (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 28, 2011. The claimant participated in the hearing. The employer participated through Holly Carter, Jennifer Moran, and Steven Brown. 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.

**ISSUE:**

The issue is whether the claimant is disqualified for failure to contact the temporary employment agency within three working days after the completion of his assignment to request additional work, when and if notified of this requirement at the time of hire.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired as a temporary general laborer on December 30, 2010. At the time of hire, he signed an availability statement that advised him of the requirement to check in for additional work after the completion of an assignment. The employer requires employees to check in within three working days after an assignment ends to provide the employer notification of the claimant's availability and that failure to do so would be considered as a voluntary quit. The claimant was given a copy of the availability statement, which is not part of the application or contract of employment.

The employer assigned the claimant to Jack Links Beef Jerky two times. The first assignment went from December 30, 2010 through March 30, 2011, when the client asked that the claimant be removed from the assignment due to poor attendance. The claimant was reassigned to Jack Links Beef Jerky on May 2, 2011, and the client asked that he be taken off the assignment for the second time due to the same reasons.

Steven Brown of the employer's office contacted the claimant and let him know the assignment ended. Mr. Brown testified that the claimant checked in for additional work numerous times but he did not properly document it in the employee's records. No work was provided.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. The employer herein is a temporary employment agency and temporary employment agencies are governed by Iowa Code § 96.5-1-j, which places specific restrictions on both the employer and the employee with regard to qualification for unemployment insurance benefits after a voluntary separation.

Both the claimant and the employer have an affirmative obligation that will affect whether or not unemployment benefits will be granted. The employer has the obligation to draft a policy that complies with the requirements of the statute. The employer must advise the employee in writing of the three-day notification rule. The employer must also notify the employee that he may be disqualified from receiving unemployment insurance benefits if he fails to contact the employer and request additional work. Iowa Code § 96.5-1-j.

The claimant has an obligation to actually make contact with the employer to let the employer know not only that the assignment has ended, but also to indicate that he desires a further assignment. Even if the employer is aware the assignment has ended, that does not relieve the employee from providing his availability to work and requesting additional work.

In the case herein, both parties complied with the requirements of Iowa Code § 96.5-1-j. However, no work was provided to the claimant when he checked in for additional work, so his separation is considered to be with good cause attributable to the employer. Benefits are therefore allowed.

**DECISION:**

The unemployment insurance decision dated October 25, 2011, reference 02, is affirmed. The claimant voluntarily quit his employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/kjw