

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBORAH L EPPERLY
Claimant

APPEAL NO. 11A-UI-03864-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS
Employer

**OC: 02/13/11
Claimant: Appellant (1)**

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The claimant, Deborah Epperly, filed an appeal from a decision dated March 24, 2011, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on April 19, 2011. The claimant participated on her own behalf. The employer, Team Staffing, participated by Claims Administrator Sarah Fiedler.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Deborah Epperly was employed by Team Staffing from January 6, 2010 until February 16, 2011. She had only one assignment during this time at the client company Grain Processing. She initially filled out an application for employment on October 5, 2009, at which time she signed a document notifying her she must contact Team Staffing within three days of the end of each assignment to request more work or else she would be considered a voluntary quit.

The claimant's assignment ended at the request of the client company on February 11, 2011. She went into the office of Team Staffing on Monday, February 14, 2011, and asked the receptionist "what she needed to do." She did not specify she had just ended her last assignment, that she needed to talk to an account manager, or that she was looking for more work. When the receptionist said she could not help her, Ms. Epperly did not ask to speak with anyone else. She did not request more work within three days after the end of her assignment and was considered a voluntary quit.

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 had been advised in writing what she needed to do after the end of each assignment. The administrative law judge cannot conclude that asking the receptionist what she needed to do, without further information, is insufficient to be considered a request for more work. If the receptionist was unable to answer her questions, other staff members were available had she only requested to speak with an account manager or other office personnel.

The record establishes the claimant did not request another assignment within three working days of the end of her last assignment. Under the provisions of the above Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of March 24, 2011, reference 01, is affirmed. Deborah Epperly is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw