

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELLE PRINDLE
Claimant

APPEAL NO: 06A-UI-08272-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AEROTEK PROFESSIONAL SERVICES
Employer

OC: 04/30/06 R: 01
Claimant: Respondent (1)

Section 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

Aerotek Professional Services (employer) appealed an unemployment insurance decision dated August 8, 2006, reference 04, which held that Michelle Prindle (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 August 31, 2006. The claimant participated in the hearing. The employer participated through Courtney Rath, Customer Support Associate, and Shannon Skalka, Recruiter. 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:

Is the claimant disqualified because she failed to contact the temporary employment agency within three working days after the completion of her assignment when 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 employed as a full-time shipment vision representative for this staffing company from June 12, 2006 through June 30, 2006, when she was advised by the employer she was released from her assignment. She did not contact the employer after that because she believed she had been fired. She did sign an employment contract which advised her of the notification requirement.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer or if the employer discharged her for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-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 ending a 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. The employer must also notify the individual that she may be disqualified from receiving unemployment insurance benefits if she fails to notify the employer. Iowa Code § 96.5-1-j.

In the case herein, the employer was aware that the claimant's assignment was over because the employer advised the claimant she was released from her assignment. The employer knew the claimant was available for work since her assignment ended and could have asked the claimant if she wanted additional work, but said nothing. The claimant did not contact the employer after the completion of her assignment because she thought she had been fired. To disqualify the claimant based on her technical noncompliance with the requirements of Iowa Code § 96.5-1-j would contradict the proposed intent of this legislation. The claimant is considered to have voluntarily quit with good cause attributable to the employer and benefits are allowed.

DECISION:

The unemployment insurance decision dated August 8, 2006, reference 04, is affirmed. The claimant voluntarily quit her employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw