

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSE W WHITE
Claimant

APPEAL NO. 14A-UI-01933-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

OC: 01/12/14
Claimant: Respondent (2)

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

STATEMENT OF THE CASE:

The employer filed an appeal from a representative's decision dated, February 10 2014, reference 03, which held that the claimant was eligible for unemployment insurance benefits. After due notice, a hearing was held on March 21, 2014, by telephone conference call. The claimant failed to respond to the hearing notice and did not participate. The employer participated by Jami Phipps, Customer Service Representative. The record consists of the testimony of Jami Phipps and Employer's Exhibits One and Two. Official notice is taken of agency records.

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 witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a staffing agency. The claimant worked for the employer on two different occasions. The claimant's last assignment was at Cloverleaf Cold Storage. The assignment ended on January 5, 2014. The claimant did not request another assignment. On January 17, 2014, the employer contacted the claimant and asked him if he would like to return to work. The person who answered the phone said that the claimant had gotten another job.

The claimant signed a separate Iowa form indicating that he knew that he had to request another assignment within three days of the end of an assignment or be considered a voluntary quit.

The claimant has not made any weekly claim for unemployment insurance benefits.

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 claimant failed to request another assignment within three working days after the end of his assignment on January 5, 2014. He is considered to have voluntarily quit without good cause attributable to the employer. The employer complied with Iowa law concerning notification of this requirement. Benefits are therefore denied.

The hearing notice listed issues concerning overpayment of benefits. This issue is moot since no benefits have been applied for or paid to the claimant.

DECISION:

The decision of the representative dated February 10 2014, reference 03, is reversed. Unemployment insurance benefits shall be withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css