

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**ELAINE L RHOADS**  
Claimant

**TEAM STAFFING SOLUTIONS INC**  
Employer

**APPEAL NO. 20A-UI-02183-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/16/20**  
**Claimant: Appellant (2)**

Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment  
Iowa Code § 96.3-7 – Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated March 3, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 23, 2020. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate.

**ISSUES:**

Did the claimant quit by not requesting an additional work assignment within three business days of the end of the last assignment?

Whether claimant is overpaid unemployment insurance benefits?

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds:

Claimant was hired by employer and placed at Siemens as a full time temporary worker. Claimant had multiple problems with a supervisor who claimant stated treated her disrespectfully on multiple occasions. Claimant stated that she addressed these concerns multiple times with her representative from employer and asked to be switched to a different shift, but there was no action to address the concerns.

On January 14, 2020 claimant quit the placement with Siemens after being scolded by a manager again. Claimant was in immediate contact with employer and asked for placement at any other company with which employer had ties. Employer did not respond to claimant's request for additional placement.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's separation was with good cause attributable to the employer.

Iowa Admin. Code r. 871-24.26(19) provides:

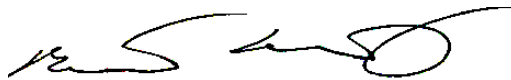
Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work.

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for and seeking work at the end of the temporary assignment. Since she contacted the employer within three working days of the notification of the end of the assignment, requested reassignment, and there was no work available, benefits are allowed, provided she is otherwise eligible.

**DECISION:**

The March 3, 2020, (reference 01) decision is reversed. The claimant's separation from employment was attributable to the employer. The employer had adequate knowledge about the conclusion of the claimant's assignment and the request for more work but had no further work available at the time. Benefits are allowed, provided the claimant is otherwise eligible.



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Blair A. Bennett  
Administrative Law Judge

April 24, 2020  
Decision Dated and Mailed

bab/scn