

BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319

ROVERTIS WILLIAMS

Claimant

and

L A LEASING INC

Employer

HEARING NUMBER: 18BUI-04637

EMPLOYMENT APPEAL BOARD
DECISION

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-1

DECISION

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds it cannot affirm the administrative law judge's decision. The Employment Appeal Board **REVERSES** as set forth below.

FINDINGS OF FACT:

The Employment Appeal Board would adopt and incorporate as its own the administrative law judge's Findings of Fact with the following modification:

The Claimant continues to be employed by the temporary employment agency, LA Leasing, Inc. He makes contact with the Employer several times on a weekly basis, but is constantly told notations will be made to his file.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) "j" provides:

An individual shall be disqualified for benefits: *Voluntary quitting*. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

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- 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 consequence 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.

The record establishes that Mr. Williams only quit the assignment on February 27, 2018 at which time he promptly requested additional reassignment. The record shows the Claimant complied with the Employer's notification policy; however, there was no additional assignment available. Quitting an assignment is *not* commensurate with quitting the employment agency. Mr. Williams continues to be employed with the company, and continues to seek additional work by calling the Employer 2-3 times weekly.

DECISION:

The administrative law judge's decision dated May 10, 2018 is **REVERSED**. The Employment Appeal Board concludes that the Claimant did not quit his employment with LA Leasing, and continues to be employed with the agency. Accordingly, he is allowed benefits ***provided*** he is otherwise eligible. See, 18A-UI-04638 in which the Claimant was disqualified only for the period of time he was not available for work (January 28 through February 27, 2018).

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

AMG/fnv