

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

GLEN TOWNSEND
101 LOCUST ST RM 621
DES MOINES IA 50309-1720

KELLY SERVICES INC
999 W BIG BEAVER RD
TROY MI 48084-4716

Appeal Number: 06A-UI-05683-BT
OC: 04/23/06 R: 02
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Glen Townsend (claimant) appealed an unemployment insurance decision dated May 30, 2006, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Kelly Services, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 19, 2006. The claimant participated in the hearing. The employer did not comply with the hearing notice instructions and did not call in to provide a telephone number at which a representative could be contacted, and therefore, did not participate.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time temporary warehouse worker from September 21, 2005 through December 7, 2005, when his assignment ended. He did not contact the employer until February 2006 because he said the employer never guaranteed him any work. The claimant does not remember signing any documents which required him to contact the temporary job agency within three working days after the completion of an assignment. The employer failed to participate in the hearing but reportedly claimed at the fact-finding interview that the claimant did sign such a document.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer or if the employer discharged him 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 he may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5-1-j. The evidence indicates that the claimant knew, or should have known, he was required to contact the employer after his assignment ended so the employer could assign him to another job, but did not contact the employer for several months. The claimant did not satisfy the requirements of Iowa Code § 96.5-1-j.

However, if the claimant's testimony is relied upon and he did not sign a document making him aware of the three-day notification rule, he would still be disqualified because he failed to provide good cause as to why he quit his employment. It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him and he did not satisfy that burden. Iowa Code § 96.6-2. Benefits are therefore denied.

DECISION:

The unemployment insurance decision dated May 30, 2006, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

sdb/cs