

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATICIA A DORPINGHAUS
Claimant

APPEAL NO: 13A-UI-09018-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 07/07/13
Claimant: Appellant (2)

Iowa Code § 96.5(1)j – Voluntary Quit Temporary Employment Firm

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's July 31, 2013 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had voluntarily quit this employment by failing to timely request another job assignment. The claimant participated in the hearing with her witness, Mary Schwaller. Michael Payne and Sandy Ahmann testified on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits?

FINDINGS OF FACT:

The claimant registered to work for the employer's clients on October 24, 2012. The employer assigned her to a job at Syngenta in Coon Rapids on November 5, 2012. The claimant understood that when this job or any job assignment was completed she was to contact the employer within three days to ask for another assignment.

The Coon Rapids facility closed and Schwaller told the claimant her last day of work at Syngenta would be May 10, 2013. That same day, S.R., an ASI employee, brought paychecks to the job site. The claimant asked S.R. if the employer had any other jobs to assign to the claimant. S.R. told the claimant there no other assignments.

Between May 10 and May 31, the claimant stopped at the employer's office two times. No one told the claimant about any other assignments then, but the claimant had stopped at the office to cash in safety bonuses she had earned.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable or an employer discharges her for reasons

constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if she does not notify the temporary employment firm within three working days after completing the 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 in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if she fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

Even though S.R. usually inputted information into the employer's computer, but did not input into the employer's computer system that the claimant asked her about another job assignment on May 10, 2013, the claimant's testimony is credible. Since S.R. did not testify at the hearing, the employer did not refute the claimant's testimony. The evidence establishes that on May 10, the claimant asked the employer's employee for another job assignment and was told there was not another assignment for her. The claimant met the requirements of Iowa Code § 96.5(1)j and is qualified to receive benefits.

DECISION:

The representative's July 31, 2013 determination (reference 01) is reversed. After the claimant learned her last day of work at an assignment was May 10, 2013, she asked the employer's representative about another assignment on May 10 and was told there were no assignments for her. Since the claimant satisfied the requirements of Iowa Code § 96.5(1)j, she is qualified to receive benefits as of July 7, 2013, provided she meets all other eligibility requirements. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css