

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**IRMA F HERNANDEZ**  
Claimant

**EXPRESS SERVICES INC**  
Employer

**APPEAL 21A-UI-16640-S2-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/02/21**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quit  
Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the July 22, 2021, (reference 02) unemployment insurance decision that denied benefits based upon her voluntary quit from employment by failing to notify the temporary employment firm within three working days of the completion of her last work assignment. The parties were properly notified about the hearing. A telephone hearing was held on September 21, 2021. Claimant Irma F. Hernandez participated and testified. Employer Express Services, Inc. did not register for the hearing and did not participate. Claimant's Exhibit A was received and admitted into the record.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was a temporary employee of a temporary employment firm. Claimant began her employment on October 27, 2020. She was assigned to work full time as a prepper at CDI. On December 24, 2020 employer notified claimant it ended her assignment. (Exhibit A) Claimant had not been given any instructions by employer on what she needed to do if the assignment ended.

**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 Code § 96.5-(1)j provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. (1) 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.

(2) 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.

(3) For the purposes of this paragraph:

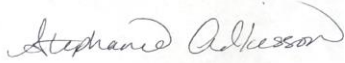
(a) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their workforce during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(b) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

Since employer provided no evidence that it presented claimant with a written copy of any reporting policy or that it has such a policy, claimant's recollection that she did not receive notice of a reporting policy is credible. Accordingly, the separation is not disqualifying. Benefits are allowed.

**DECISION:**

The July 22, 2021, (reference 02) unemployment insurance decision is reversed. The claimant's separation from employment was attributable to the employer. Benefits are allowed, provided she is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.



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Stephanie Adkisson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

September 24, 2021  
Decision Dated and Mailed

sa/mh