

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TYLER WILSON
Claimant

APPEAL NO: 090-UI-00898-SWT

**ADMINISTRATIVE LAW JUDGE
AMENDED DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

**OC: 10/19/08 R: 04
Claimant: Respondent (2)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated November 26, 2008, reference 04, that concluded he had completed his temporary work assignment and was eligible for unemployment insurance benefits. A telephone hearing was held on February 4, 2009. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Sara Fiedler participated in the hearing on behalf of the employer. Exhibit One was admitted into evidence at the hearing.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant started working for the employer on June 30, 2008. When the claimant was hired, he signed a statement that he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant's last assignment was working at The Hon Company in a production position from September 23 to 29, 2008. He was injured at work and was sent to doctor who limited the claimant to light-duty work. The employer had temporary light-duty work available for the claimant, but the claimant declined that work.

On October 7, 2008, the claimant was released to work return to work without restrictions, but The Hon Company did not have any work available for him. The employer's claim administrator told the claimant to sign up on the availability sheet if he wanted the employer to find further work for him. The claimant said he would think about it and left without signing the sheet.

The claimant did not contact the employer again until October 17 when he called to see if the employer was handling the welding openings for specific business. The claimant was informed that it was not. The claimant did not ask about other work.

The claimant filed a new claim for unemployment insurance benefits with an effective date of October 19, 2008. The claimant filed for and received a total of \$183.00 in unemployment insurance benefits for the week ending October 25, 2008. The claimant was initially found eligible for benefits and that decision was affirmed in 08A-UI-11352-DT.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements. The claimant was informed about the completion of a job assignment on October 7. He did not seek any further work with the employer on October 7 or afterward and must be considered to have voluntarily quit employment without good cause attributable to the employer under Iowa Code section 96.5-1-j.

Since the decision awarding benefits was affirmed by an administrative law judge, the claimant was not overpaid any benefits pursuant to Iowa Code section 96.6-2.

DECISION:

The unemployment insurance decision dated November 26, 2008, reference 04, is reversed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Amended Decision Dated and Mailed

saw/pjs