

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFREY A BROCKERT
Claimant

APPEAL NO. 09A-UI-15911-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**R J PERSONNEL INC
TEMP ASSOCIATES**
Employer

**OC: 09/20/09
Claimant: Appellant (1)**

Section 96.5-1-j - Voluntary Quit/Temporary Employment

STATEMENT OF THE CASE:

Jeffrey Brockert filed a timely appeal from a representative's decision dated October 16, 2009, reference 01, which denied benefits based upon his separation from Temp Associates. After due notice, a telephone hearing was scheduled for and held on November 23, 2009. Mr. Brockert participated personally. The employer participated by Ms. Holly Jocobi, Account Manager.

ISSUE:

The issue is whether the claimant's separation from the temporary employment agency was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Jeffrey Brockert began employment with Temp Associates on August 18, 2009, accepting a production job assignment with Musco Lighting Company. Mr. Brockert was paid by the hour. The assignment ended on September 18, 2009 when Musco temporarily laid off workers due to business conditions.

Mr. Brockert informed the temporary company that the assignment had ended but did not check in for additional work. Other work assignments were available, however Mr. Brockert was unwilling to accept them as he had earned the \$250.00 requalification amount necessary to continue his unemployment claim for a new benefit year based upon employment with another company. At the time of hire the claimant signed an agreement to contact the temporary employment service and check in for additional work within three days of the completion of his most recent assignment through the temporary employment company. Mr. Brockert indicated on his application for hire that he desired work as a "welder."

REASONING AND CONCLUSIONS OF LAW:

The question is whether Jeffrey Brockert's separation from the temporary employment agency was for good cause attributable to the employer. It was not.

Iowa Code section 96.5-1-j provides:

An individual shall be disqualified for benefits:

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. 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 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.

For the purposes of this paragraph:

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

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

Based upon the evidence in the record and the application of the appropriate law the administrative law judge concludes that Jeffrey Brockert's separation from the temporary employment agency was not for good cause attributable to the temporary employment agency. The claimant agreed at the time of hire to inform the temporary employment service and check in for additional work within three days after the completion of his current assignment. Other assignments were available to the claimant, however he was unwilling to accept them as his desire was to draw unemployment insurance benefits on another claim after reaching a requalification amount of \$250.00 in insured work.

DECISION:

The Agency representative's October 16, 2009, reference 01, decision is affirmed. The claimant's separation from the temporary employment agency was not for good cause attributable to the temporary employment agency. Unemployment insurance benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, providing that he is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

css/css