

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GREGORY L BROWN**  
Claimant

**APPEAL NO: 12A-UI-03971-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AVENTURE STAFFING & PROFESSIONAL**  
Employer

**OC: 01/16/11**  
**Claimant: Appellant (2)**

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

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's April 6, 2012 determination (reference 04) that disqualified him from receiving benefits and held the employer's account exempt from charge because the claimant's employment separation was for disqualifying reasons. The claimant participated in the hearing. His wife, Cheryl Brown, testified on his behalf. Kayla Neuhalfen, the human resource representative, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes that the claimant is qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits or did the employer discharge him for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The claimant registered to work for the employer, a temporary staffing firm, in September 2011. The employer assigned the claimant to work at Pioneer on September 19, 2011. When the claimant was told he had completed the assignment at Pioneer, he contacted the employer for another job assignment. The claimant understood that when he completed a job assignment, he was to contact the employer within three working days for another assignment.

The employer assigned the claimant to work for Aramark at Tyson on February 29, 2012. The claimant understood he worked as a fill-in employee and Aramark contacted him when the claimant was needed to work. The first day the claimant worked, the employer's Spencer office told the claimant what day and hours Aramark needed him to work. The next two days the claimant worked, Aramark personnel contacted the claimant and told him the day and times he was to work. The three days the claimant worked were different days of the week and different hours. The last day the claimant worked at Aramark was March 9, 2012.

The claimant understood Aramark planned to have him work on Friday, March 16. The claimant had plans on Saturday. He called Aramark on March 13 to find out what hours he was to work on March 16 so he could make his Saturday plans accordingly. During this conversation, the claimant learned Aramark was planning to hire another full-time employee. The Aramark supervisor told the claimant he did not have to work on Friday, March 16. The claimant understood Aramark would

keep him as a fill-in or an on-call employee. The claimant also understood Aramark would call him when he was needed to work. As a fill-in or on-call employee, the claimant understood there may be weeks he would not be needed to work and then could work a full week. Since the claimant understood Aramark considered him as a fill-in employee, the claimant had no understanding he completed this assignment. As a result, he did not contact the employer to ask about another assignment. The employer learned on March 29 that the last day the claimant worked at Aramark was March 9, 2012.

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (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 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 the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5(1)j.

The claimant's testimony that he had no understanding his job assignment had been completed is credible. Since Aramark contacted the claimant to tell him the days and hours he worked two of the three days he worked for Aramark, the claimant had no understanding he had completed this assignment. When Aramark personnel told the claimant he would be called when Aramark needed him again, the claimant understood this was an on-going assignment. As a result of this understanding, the three-day rule to contact the employer does not apply.

The claimant may have used poor judgment when he did not contact the employer to find out what, if anything, he needed to do as a fill in or on-call employee. Under the facts of this case, the claimant is not disqualified from receiving benefits.

#### **DECISION:**

The representative's April 6, 2012 determination (reference 04) is reversed. Based on the unique facts in this case, the claimant had no understanding he completed his job assignment. As result of this understanding, the employer's three-day rule requiring the claimant to contact the employer for another job assignment does not apply. The claimant remains qualified to receive benefits even though he did not work after March 9, 2012.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw