

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EDWARD L DRESS**  
Claimant

**APPEAL NO. 13A-UI-04124-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC**  
Employer

**OC: 05/06/12**  
**Claimant: Respondent (4-R)**

Section 96.5-1-j - Voluntary Quit of Temporary Employment Firm  
871 IAC 24.27 - Voluntary Quit of Part-time Job

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated March 28, 2013, reference 03, that concluded the claimant was eligible for unemployment insurance benefits because he completed his work assignment. A telephone hearing was held on May 15, 2013. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Maria Mays participated in the hearing on behalf of the employer with a witness, Dennis Leeser.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits effective May 6, 2012. His claim was based solely on wages from McDonalds.

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked on a part-time, as-needed basis for the employer on assignments at Nordstrom's from May 28, 2012, to February 20, 2013. When the claimant was hired, he was given a statement to read and sign that said 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 finished a job assignment on February 20, 2013. He did not contact the employer again afterward to request a new assignment and was considered to have voluntarily quit employment.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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.

Under § 96.5-1-j the claimant is deemed to have voluntarily quit employment without good cause attributable to the employer.

871 IAC 24.27 provides that a claimant who voluntarily quits part-time employment without good cause and has not requalified for benefits, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. Instead, the benefits payments will be made based on the wages from the other employers, and the part-time employer's account will not be charged for benefits paid.

The claimant voluntarily quit employment without good cause attributable to the employer. The job, however, was part time, and the claimant has sufficient wages from other employers to qualify to receive unemployment insurance benefits.

The claimant has filed a claim for a second benefit year that includes wages paid by the employer. Pursuant to the rule, the employer's account will not be subject to charge for benefits paid to the claimant. The issue of whether the claimant's weekly and maximum benefit amounts are affected by removing the wages reported by the employer is remanded to the Agency to make a determination.

**DECISION:**

The unemployment insurance decision dated March 28, 2013, reference 03, is modified in favor of the employer. The claimant is qualified to receive unemployment insurance benefits effective March 3, 2013, if he is otherwise eligible. The employer's account will not be subject to charge for benefits paid to the claimant. The issue of whether the claimant's weekly and maximum benefit amounts are affected by removing the wages reported by the employer is remanded to the Agency to make a determination.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css