

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL J HICKMAN
Claimant

APPEAL NO. 08A-UI-09831-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DES STAFFING SERVICES INC
Employer

OC: 08/17/08 R: 02
Claimant: Respondent (2/R)

Section 96.5-1-j – Voluntary Quit Temporary Staffing Employment

STATEMENT OF THE CASE:

DES Staffing Services, Inc. (employer) appealed a representative's October 20, 2008 decision (reference 01) that concluded Michael J. Hickman (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the claimant's employment was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 10, 2008. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which he could be contacted to participate in the hearing. As a result, no one represented the claimant. Amy MacGregor and Amber Leydens appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

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

FINDINGS OF FACT:

The claimant registered to work for the employer on October 22, 2007. When the claimant registered, he received information that he was required to contact the employer about a new job assignment in three days of completing an assignment. The employer gave the claimant paperwork informing him that if he did not contact the employer within three working days of completing an assignment, he could be denied unemployment insurance benefits.

The claimant had been working at Cargill as a temporary employee. At the end of the day on August 19, Leydens informed the claimant this job assignment had been completed and the claimant was no longer needed at Cargill. Since Leydens talked to the claimant at the end of the day, she asked that he contact the employer within the next couple of days for another assignment.

The claimant did not contact the employer again for another assignment. Instead, the claimant established a claim for benefits during the week of August 17, 2008. He has received some benefits since August 17, 2008.

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 the claimant for reasons constituting work-connected misconduct. Iowa Code sections 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 section 96.5-1-j.

The facts establish the claimant received information when he registered to work that after a job assignment had been completed he needed to contact the employer within three working days and ask about another assignment. On August 19 when the employer told the claimant his assignment had ended, the employer also asked the claimant to contact the employer again about another assignment. The claimant did not contact the employer about another assignment. For unemployment insurance purposes, the claimant quit his on-going employment relationship with the employer by failing to contact the employer during the week ending August 23 to find out if the employer had another job to assign to him. Therefore, as of August 17, 2008, the claimant is not qualified to receive benefits.

The claimant has received benefits since August 17, 2008. Therefore, the issues of whether he had been overpaid or is eligible for a waiver of overpayment are remanded to the Claims Section to determine.

DECISION:

The representative's October 20, 2008 decision (reference 01) is reversed. Since the claimant worked for a temporary employment firm and received information about contacting the employer when a job assignment had been completed, he effectively voluntarily quit the employment relationship by failing to contact the employer during the week ending August 23 about another job assignment. For unemployment insurance purposes, the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of August 17, 2008. This disqualification continues until he has been paid ten times his weekly benefit amount for insured

work, provided he is otherwise eligible. The employer's account will not be charged. The issues of overpayment and wavier of overpayment are remanded to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css