

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SHELLY S STRATTON**

Claimant

**APPEAL 18A-UI-00886-DL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REMEDY INTELLIGENT STAFFING INC**

Employer

**OC: 12/17/17**

**Claimant: Appellant (2R)**

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Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 17, 2018, (reference 01) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on February 12, 2018. Claimant participated. Employer participated through branch manager Julie Coughlin.

**ISSUE:**

Did claimant quit by not reporting for additional work assignments within three business days of the end of the last assignment?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a day-to-day part-time temporary material handler assigned at General Mills in Cedar Rapids. Her last day of work was December 10, 2017. The plant closed for the holidays from December 25, 2017, through January 2, 2018. Remedy onsite supervisor Brenda told claimant the numbers would drop the next day and she would not be needed. She returned to work January 15, 2018, but in the meantime did not contact Remedy for more or other work, even though the employer's record shows work would have been available. The employer's policy requires an employee to report availability for work and request another work assignment within three working days of the end of an assignment or be considered to have voluntarily quit the employment.<sup>1</sup> The employer was not sure if claimant had a copy of the reporting policy because there was no access to records prior to 2014, and claimant began the employment before then and the policy was not distributed again. Claimant does not have recollection of a reporting policy.

The claimant's availability for work and work searches during this claim year have not been addressed by the Benefits Bureau of IWD.

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<sup>1</sup> The employer did not offer a copy of the policy or an acknowledgement of receipt.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation was with good cause attributable to the employer.

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. (1) 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.

(2) 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.

(3) For the purposes of this paragraph:

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

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

Since the employer did not provide instruction about what to do at the end of the assignment according to Iowa Code section 96.5(1)j, the separation is not disqualifying.

**DECISION:**

The January 17, 2018, (reference 01) unemployment insurance decision is reversed. The claimant's separation from employment was attributable to the employer. Benefits are allowed, provided she is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.

**REMAND:** The availability and work search issues as delineated in the findings of fact is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination with notice and appeal rights to both parties. Additionally, claimant alleges she has not received a deposit of benefits for the week-ending January 6, 2018.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/rvs