

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CHRISTOPHER K MERRITT**  
Claimant

**ADVANCE SERVICES INC**  
Employer

**APPEAL 18A-UI-00508-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/26/17**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 3, 2018, (reference 03) unemployment insurance decision that denied benefits based upon a determination that claimant's separation was without good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on February 5, 2018. The claimant, Christopher K. Merritt, participated. The employer, Advance Services, Inc., participated through Melissa Lewien, Risk Management. Employer's Exhibit 1 was received and admitted into the record without objection.

**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 full-time, most recently as a sorter, from August 26, 2015, until November 7, 2017. On November 7, claimant got a call from Tammy Rundle, the office manager in the employer's Cedar Rapids office. Rundle notified claimant that his position at the Can Shed was being replaced by machinery so his assignment had ended. Claimant did not ask for an additional assignment at that time. Claimant never contacted the employer after this date to ask for additional work. The employer has a written policy stating that it is an employee's responsibility to contact the employer within three working days of an assignment ending to request further assignment. (Exhibit 1)

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation was without good cause attributable to the employer. Benefits are withheld.

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 lettered 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.

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for work at the conclusion of each temporary assignment so they may be reassigned and continue working. The plain language of the statute allows benefits for a claimant "who notifies the temporary employment firm of completion of an assignment *and* who seeks reassignment." (Emphasis supplied.) In this case, the employer had notice of the claimant's availability because it notified him of the end of the assignment. However, claimant never requested another assignment. Therefore, he is considered to have quit the employment without good cause attributable to the employer.

**DECISION:**

The January 3, 2018, (reference 03) unemployment insurance decision is affirmed. Claimant separated from employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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