

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BENJAMIN E HALE

Claimant

APPEAL NO: 13A-UI-13022-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC

Employer

OC: 11/04/12

Claimant: Appellant (1)

Section 96.5-1-J – Voluntary Quit/Assignment Completion

STATEMENT OF THE CASE:

The claimant appealed a department decision dated November 14, 2013, reference 03, that held he voluntarily quit without good cause attributable to the employer on June 22, 2013, and benefits are denied. A telephone hearing was held on December 16, 2013. The claimant and employer did not participate.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record finds: The employer is a temporary employment firm. The claimant worked for the employer on an assignment at Performance Marketing Group. He last worked on or about June 22, 2013. The claimant failed to contact the employer within three working days of job completion though he knew it was employer policy to do so. The employer considered claimant a voluntarily quit without good cause.

The claimant and employer failed to respond to the department hearing notice with a call in to participate. The UI Appeals C2T control record system has no record of any call in.

REASONING AND CONCLUSIONS OF LAW:

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. 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.

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.

For the purposes of this paragraph:

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

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

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer when he completed his assignment on June 22, 2013, and made no contact within three working days for further work. This decision is based on the department fact finding record.

DECISION:

The department decision dated November 14, 2013, reference 03, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on June 22, 2013. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs