

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT H LAUREN
Claimant

APPEAL NO. 08A-UI-08730-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DES STAFFING SERVICES INC
Employer

OC: 08/31/08 R: 02
Claimant: Respondent (2-R)

Section 96.5-1-j – Voluntary Quit Temporary Employment

STATEMENT OF THE CASE:

DES Staffing Services, Inc. (employer) appealed a representative's September 26, 2008 decision (reference 04) that concluded Robert H. Lauren (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the claimant's employment separation occurred as a result of nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 24, 2008. The claimant was called at the Ames Workforce Office for the hearing. The claimant was not at the Ames Workforce office. A message was left with a Workforce representative that the claimant should contact the Appeals Section as soon as he arrived at the office. The claimant did not contact the Appeals Section during the hearing. John Dunkin testified on the employer's behalf. Amy MacGregor observed the hearing. 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 employer is a temporary staffing agency. The claimant registered to work for the employer on June 8, 2008. When the claimant registered, he received written information that when he completed a job assignment, he must contact the employer within three working days so the employer knew he was not working and could assign him to another assignment. The written information also indicated that if the claimant did not timely contact the employer, unemployment insurance benefits could be denied.

The claimant went to a job assignment on August 21. When the employer assigned the claimant to this job, the employer knew the job could last a couple of days or a couple of weeks. The claimant worked at the assignment on August 21 and 22. The claimant did not inform the employer that his assignment ended on August 22 until August 29, when he came to pick up his paycheck. If the claimant had notified the employer on Monday, August 25, or by August 27, the employer could have assigned him a job.

The claimant established a claim during the week of August 31, 2008. He has filed weekly claims since August 31, 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 him for reasons constituting work-connected misconduct. Iowa Code §§ 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 § 96.5-1-j.

The facts establish the claimant was a temporary employee of an employment firm and received information that when he completed a job assignment, he must contact the employer within three working days. The claimant did not contact the employer within three working days. If the claimant had contacted the employer before August 29, the employer could have assigned him to another job.

Based on the facts presented during the hearing and the law, the claimant voluntarily quit without good cause by failing to timely notify the employer he had completed a job assignment. As a result, the claimant is disqualified from receiving benefits as of August 31, 2008.

The issues of overpayment and waiver of overpayment are remanded to the Claims Section to determine.

DECISION:

The representative's September 26, 2008 decision (reference 04) is reversed. The claimant voluntarily quit by failing to timely notify the employer he had completed a job assignment, which prevented the employer from assigning him to another job. The claimant is disqualified from receiving unemployment insurance benefits as of August 31, 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 waiver of overpayment are remanded to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw