

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALISSA M HANSEN
Claimant

APPEAL NO: 13A-UI-00946-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC
Employer

OC: 11/25/12
Claimant: Respondent (2/R)

Iowa Code § 96.5(1)j – Voluntary Quit a Temporary Employment Firm

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's January 15, 2013 determination (reference 02) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment was for nondisqualifying reasons. The claimant did not respond to the hearing notice or participate in the hearing. Rhonda Hefter, the human resource supervisor, and Zoe Back, a placement specialist, appeared on the employer's behalf. During the hearing, Employer Exhibit One was admitted as evidence. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

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

FINDINGS OF FACT:

The employer is a staffing firm. On July 25, 2012, the claimant acknowledged she received a copy of the employer's three-day reassignment policy. This policy informs employees that once an assignment has been completed, it is the employee's responsibility to contact the employer for another assignment within three days. If an employee does not make a timely request for another assignment it could mean the employee quit. (Employer Exhibit One.)

On October 19, 2012, the client, who the claimant was working for, contacted the employer and ended the claimant's assignment. The client did not give the employer a reason for ending the claimant's assignment early. On October 22, the employer called the claimant and told her that her assignment had ended. There was no discussion about another assignment. The employer considered the claimant eligible for another assignment. The claimant did not contact the employer again until October 29 for another assignment.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if she 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 in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if she fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

Based on the evidence presented by the employer, the claimant received information that she was required to ask the employer about another job assignment within three days of completing a job assignment. Since the client, for unknown reasons, did not want the claimant to complete their job assignment, the employer informed the claimant of this on October 22. On October 22, the claimant did not ask about another job assignment. She did not contact the employer again until October 29 about another job. On October 22, the employer did not have another job to assign to the claimant right away and did not say anything to the claimant about another assignment. Even though waiting a week before contacting the employer about another assignment is not unreasonable, the law required the claimant to do this by October 25. Since the claimant did not participate at the hearing, it is not known why she waited a week before asking the employer for another assignment.

By strictly applying Iowa Code § 96.5(1)j – the claimant is deemed to have voluntarily quit and is not qualified to receive benefits as of October 21, 2012. This matter will be remanded to the Claims Section to determine if the claimant has been overpaid any benefits she may have received since October 21, 2012.

DECISION:

The representative's January 15, 2013 determination (reference 02) is reversed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits when she did not ask the employer for another job assignment by October 25, 2012. The claimant is

disqualified from receiving unemployment insurance benefits as of October 21, 2012. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

This matter is **Remanded** to the Claims Section to determine if the claimant has been overpaid or is eligible for a waiver of any overpayment of benefits she may have received since October 21, 2012.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/tll