

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BECKY K CUBBAGE
Claimant

APPEAL NO. 07A-UI-02855-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS
Employer

**OC: 04/02/06 R: 04
Claimant: Respondent (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated March 16, 2007, reference 04, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on April 5, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing. Sarah Fiedler participated in the hearing on behalf of the employer. Exhibits One and Two were admitted into evidence at the hearing.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. When the claimant was hired, she signed a statement that she would be considered to have voluntarily quit employment if she did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant worked as a general laborer on an assignment with Communication Data Services in Wilton, Iowa, from July 3, 2006, to February 23, 2007. On February 14, an employee of Communication Data Services informed the claimant that her last day of work would be February 23. The claimant completed the job assignment. She contacted the employer by phone on February 26, February 27, February 28, March 1, and March 2. She asked for her account representative, Kirby, and each time was told that Kirby was unavailable. She left messages indicating the job at Communication Data Services had been completed and asking for a new assignment. She never received any return calls from Kirby.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and the reliability of the evidence and by applying the proper standard and burden of proof. I believe the claimant contacted the employer by phone on each of the days she indicated and left messages with an account executive about her assignment ending and her wanting another assignment. She is not disqualified under Iowa Code § 96.5-1-j.

DECISION:

The unemployment insurance decision dated March 16, 2007, reference 04, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw