

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JIM R SEAGO
Claimant

APPEAL NO. 13A-UI-06785-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 04/28/13
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated May 28, 2013, reference 01, that concluded the claimant had completed his temporary work assignment . A telephone hearing was held on July 11, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Maria Mays participated in the hearing on behalf of the employer with a witness, Trisha Manthei. Exhibit One was 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 company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer on an assignment as a machine operator at Maquoketa Web Printing from October 25, 2012, to March 21, 2013.

When the claimant was hired, he was given a statement to read and sign that said he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant was initially working full time for the employer, but in March 2013, there was a slowdown in work at Maquoketa Web Printing and the claimant was not working every day. The staffing associate with the employer, Amanda Sullivan, started calling the claimant to tell him that he did not need to report to work. Later, Sullivan told the claimant that she would call him when there was work for him.

Sullivan told the claimant that there was work available on March 21. He worked his shift that day. He reasonably believed that Sullivan would call him when there was work available again. He was never told that the assignment was completed so he did not contact the employer.

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 claimant is not subject to disqualification under Iowa Code § 96.5-1-j because he was never told that the assignment was completed and reasonably believed that Sullivan would call him when there was work available again. Although it would have been prudent for the claimant to call in to find out the status of his employment, Sullivan modified the requirement of the claimant calling to seek a new assignment by telling him she would call him about work.

DECISION:

The unemployment insurance decision dated May 28, 2013, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css