

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HEIDI J COOPER**  
Claimant

**APPEAL NO. 10A-UI-02453-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AEROTEK INC**  
Employer

**OC: 01/24/10**  
**Claimant: Appellant (2)**

Section 96.5-1-j – Separation from Temporary Employment Company  
Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated February 15, 2010, reference 01, that concluded the claimant voluntarily left employment without good cause attributable to the employer. A telephone hearing was held on March 31, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?  
Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked on an assignment at Wells Fargo from November 3, 2009, to January 26, 2010, as a loss mitigation specialist in the loan department.

Wells Fargo asked the employer to remove the claimant from the assignment due to absenteeism. The absenteeism was because the claimant's son contracted H1-N1 flu. She properly reported her absences.

On January 26, 2010, a representative with the employer called the claimant to let her know that she had been discharged due to absenteeism. The representative did not indicate that the employer still considered her to be an employee. The claimant understood that she was discharged from her employment with the employer. She was unaware that she was eligible for reassignment.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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 evidence fails to show that the claimant read and signed a statement about the requirement to seek a new assignment within three days. Therefore, she is not subject to disqualification under Iowa Code section 96.5-1-j. The claimant's absences were due to her child's legitimate illness and were properly reported. No misconduct as defined by Iowa Code section 96.5-2a has been proven in this case.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim. If the employer becomes a base period employer in a future benefit year, its account may be chargeable for benefits paid to the claimant based on this separation from employment.

**DECISION:**

The unemployment insurance decision dated February 15, 2010, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs