

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANA PERRY
Claimant

APPEAL NO: 08A-UI-09569-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROBERT HALF CORPORATION
Employer

**OC: 08/17/08 R: 02
Claimant: Appellant (2)**

Iowa Code § 96.5-1 - Voluntary Quit
Iowa Code § 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

Dana Perry (claimant) appealed an unemployment insurance decision dated October 9, 2008, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Robert Half Corporation (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 3, 2008. The claimant participated in the hearing. The employer participated through Kelly Fillman, Division Director. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant began employment with this temporary employment agency on March 10, 2008. She was assigned to clerical or customer service positions. The claimant is able to work but does not have her own transportation so must find a job that is near a bus line with a schedule during hours the bus is running. She was working at Wells Fargo in West Des Moines from 12:00 p.m. to 9:00 p.m. The bus does not run that late but she was able to carpool with another temporary worker. Her co-worker began working a different shift so the claimant no longer had transportation to Wells Fargo. She contacted the employer about her predicament and the employer told her to provide a two-week notice so they could place her in another assignment. The claimant did so and her assignment ended on August 22, 2008. The claimant did not check in with her employer after ending her last assignment until September 2, 2008 but the employer did not have any other assignments for the claimant until approximately September 4, 2008. The claimant started a new assignment for the employer on October 23, 2008 and is currently working.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer or if the employer discharged her for work-connected misconduct. See Iowa Code §§ 96.5-1 and 96.5-2-a. Temporary employment agencies are governed by Iowa Code § 96.5-1-j which places specific restrictions on both the employer and the employee with regard to qualifying for unemployment insurance benefits after a voluntary separation.

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. In the case herein, the employer contends the claimant did not contact the employer until a week after her last assignment ended. However, the employer was aware the claimant's assignment was going to end and had direct knowledge that the claimant was available for reassignment. To disqualify the claimant based on her technical noncompliance with the requirements of Iowa Code § 96.5-1-j would contradict the proposed intent of this legislation. The claimant is considered to have voluntarily quit with good cause attributable to the employer and benefits are allowed.

DECISION:

The unemployment insurance decision dated October 9, 2008, reference 01, is reversed. The claimant voluntarily quit her employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs