

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAWN M MORRISON
Claimant

APPEAL NO. 11A-UI-03691-PT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ARIZONA LABOR FORCE INC
Employer

**OC: 01/23/11
Claimant: Appellant (1)**

871 IAC 24.26(19) – Voluntary Quit Spot or Casual Labor
Iowa Code § 96.5(1)j – Voluntary Leaving – Temporary Employment

STATEMENT OF THE CASE:

Claimant filed an appeal from the March 14, 2011, reference 02, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on April 13, 2011. The claimant did not respond to the notice of hearing and did not participate. The employer participated through Judy Poarch, Vice President/General Manager.

ISSUE:

The issue is whether claimant was voluntarily quit employment without good cause attributable to the employer

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant was employed through the employer performing various temporary work from June 18 through December 2, 2010. Claimant's last assignment ended on December 2, 2010 and the claimant never returned to offer to perform services following this assignment in violation of a separate agreement she signed with the employer when she was hired.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1-j provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department, but the individual shall not be disqualified if the department finds that:

j. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm of completion of an employment assignment and who

seeks reassignment. Failure of the individual to notify the temporary employment firm of completion of an employment assignment within three working days of the completion of each employment assignment under a contract of hire shall be deemed a voluntary quit unless the individual was not advised in writing of the duty to notify the temporary employment firm upon completion of an employment assignment or the individual had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter.

To show that the employee was advised in writing of the notification requirement of this paragraph, the temporary employment firm shall advise the temporary employee by requiring the temporary employee, at the time of employment with the temporary employment firm, to read and sign a document that provides a clear and concise explanation of the notification requirement and the consequences of a failure to notify. The document shall be separate from any contract of employment and a copy of the signed document shall be provided to the temporary employee.

For the purposes of this paragraph:

(1) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their work force during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(2) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

The claimant is a temporary employee and is required to notify the temporary agency with three working days of the end of the assignment and of the availability to accept reassignment. In this case, the claimant did not give notice of her availability. The claimant voluntarily quit her employment without good cause attributable to the employer pursuant to Iowa Code § 96.5-1-j.

DECISION:

The March 14, 2011, reference 02, decision is affirmed. Benefits are withheld until such time as claimant works in and has been paid wages equal to ten times her weekly benefit amount, provided claimant is otherwise eligible.

Ron Pohlman
Administrative Law Judge

Decision Dated and Mailed

rrp/css