

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICHARD A ALCORTA-VAUL
Claimant

APPEAL NO. 10A-UI-05855-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 12/20/09
Claimant: Appellant (2)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated April 5, 2010, reference 01, which denied benefits based upon the claimant's separation from Team Staffing Solutions Inc. After due notice, a telephone conference hearing was scheduled for and held on June 8, 2010. The claimant participated personally. The employer participated by Sarah Fiedler, Claims Administrator.

ISSUE:

At issue is whether the claimant quit employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Richard A. Alcorta-Vaul was employed through Team Staffing Solutions at a client location from September 10, 2008 until March 5, 2009 when the long-term assignment at OSC Paneling came to an end. Mr. Alcorta-Vaul had worked as a utility worker and had been paid by the hour.

On March 6, 2010, Team Staffing Solutions notified the claimant that his long-term assignment with the client employer had come to an end. Mr. Alcorta-Vaul inquired about additional work assignments at that time and was told that there were no other assignments available.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1 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.

Iowa Code section 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 evidence in the record establishes that Mr. Alcorta-Vaul was notified by Team Staffing Solutions on March 6, 2009 that his assignment with OSC Paneling had come to an end due to lack of work. The claimant fulfilled his obligation to provide notice to the temporary agency that he was available for work by inquiring for an additional assignment at that time. No other assignments were available to the claimant at the time of the contact within three working days after the completion of his most recent assignment. The claimant was under no obligation to continue to contact the temporary employment service after fulfilling his initial obligation to re-contact and no further work was available to him.

The administrative law judge concludes that the claimant was separated due to lack of work under nondisqualifying conditions. Unemployment insurance benefits are allowed based upon this separation providing the claimant is otherwise eligible.

DECISION:

The representative's decision dated April 5, 2010, reference 01, is reversed. The claimant left employment with good cause attributable to the employer. Unemployment insurance benefits are allowed, provided the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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