

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHARON J MATTOON
Claimant

APPEAL NO. 11A-UI-08110-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

**OC: 05/15/11
Claimant: Appellant (4)**

Iowa Code § 96.5(1)j – Voluntary Quit Temporary Employment Firm
871 IAC 24.27 – Voluntary Quit Part-Time Employment

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 15, 2011 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Sarah Fiedler, a claims administrator, appeared on the employer's behalf. During the hearing, Claimant Exhibit A was offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

ISSUES:

Did the claimant voluntarily quit a temporary part time employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant was on a layoff from her regular employer, American Ordnance, when Winegard personnel asked the claimant to do some temporary clerical work for them. Winegard hires temporary part-time personnel through the employer. The claimant was told to contact the employer to complete the necessary paperwork so she would get paid for her work at Winegard.

The claimant went to the employer on Friday, March 18, 2011, to complete the necessary paperwork. She started the temporary, part time clerical job at Winegard on Monday, March 21. On March 18, when the claimant completed the necessary paperwork, she signed paperwork informing her that when she completed a job, she had three working days to request another job and if she did not, her unemployment benefits could be adversely affected. The employer gave the claimant a copy of this policy to the claimant to take home.

The claimant worked at Winegard from March 21 through April 25, 2011. Winegard personnel told the claimant when the job had been completed. The claimant then informed the employer's on-site supervisor she had completed the job. The claimant did not request another job assignment, because she had not read the information the employer gave her and anticipated American Ordnance would call her back to work.

The claimant established a new claim for benefits during the week of May 15, 2011. During this week, she contacted American Ordnance to find out when she might be called back to work. American Ordnance had the claimant in training on June 8. She went back to work at American Ordnance on June 20.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code § 96.5(2)a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5(1)j.

The evidence establishes the claimant received information when she registered to work for the employer that after completing a job assignment, she could be disqualified from receiving benefits if she did not attempt to obtain another assignment within three days of completing the assignment. Even though the claimant completed the temporary job at Winegard, since she was legally considered one of the employer's employees she was obligated for unemployment insurance purposes to ask about another job assignment within three working days of completing the Winegard assignment. When the claimant did not ask about another job assignment, she quit for reasons that do not qualify her to receive benefits. If the claimant had been working full-time, she would be disqualified from receiving benefits. The law, however, states that if a claimant voluntarily quits a part-time job without good cause, she is eligible to receive benefits if she is monetarily eligible to receive benefits based on wage credits she has earned from other employers in her base period. 871 IAC 24.27. (The record establishes the claimant earned \$360 in the five weeks she worked at Winegard.)

In this case, the employer is not one of the claimant's base period employers. She is monetarily eligible to receive benefits as of May 15, 2011, based on wages she earned from other employers. Therefore, the claimant is qualified to receive benefits as of May 15, 2011. The employer's account will not be charged.

DECISION:

The representative's June 15, 2011 determination (reference 01) is modified in the claimant's favor. The claimant voluntarily quit working for the employer, but she quit a part time, not a full-time job. Since she is monetarily eligible to receive benefits based on wages from other employers, she is eligible to receive benefits as of May 15, 2011, provided she meets all other eligibility requirements. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw