

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KRISTINE E DAVIS
Claimant

ADVANCE SERVICES INC
Employer

APPEAL NO. 14A-UI-06548-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/14/13
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit from Staffing Company

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated June 21, 2014, reference 05, that concluded claimant had completed her temporary work assignment. Telephone hearings were held on July 16 and July 21, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Michael Payne participated in the hearing on behalf of the employer with a witness, Cathy Adkins. Exhibit A was admitted into evidence.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer by failing to contact the employer within three business days for a new assignment?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer from February 8, 2013, to May 30, 2014. Her last assignment was working for Eaton Corporation from December 9, 2013, to May 30, 2014. When the claimant was hired, she was given a statement to read and sign that said she would be considered to have voluntarily quit employment if she did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

A manager with Eaton Corporation informed the claimant that her assignment was ending on May 30, 2014. She called the employer's office in Spencer, Iowa that day after work to inform the employer that she had finished her assignment and ask for other work. She was told to come in on June 2 to update her application. The claimant followed the instructions and reported to the Spencer office on June 2, where she completed and submitted her updated application. No immediate work was available so she reopened her claim for benefits.

REASONING AND CONCLUSIONS OF LAW:

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, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. The claimant's testimony that she called the Spencer office on May 30 to notify the employer that the assignment was over and came in as instructed on June 2 to complete and submit her updated application was very convincing. The office manager admitted the claimant had reported to the office to pick up the form to update her application on June 2. Either contact satisfied the requirement of Iowa Code § 96.5-1-j.

The claimant completed her temporary work assignment and contacted the employer within three days for another assignment.

DECISION:

The unemployment insurance decision dated June 21, 2014, reference 05, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs