

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRAD S AUSTIN
Claimant

APPEAL NO. 10A-UI-11915-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

OC: 07/11/10
Claimant: Respondent (1)

871 IAC 24.1(113)a - Layoff

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated August 16, 2010, reference 01, that concluded the claimant had completed his temporary work assignment. A telephone hearing was held on October 8, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Jamie Austin. Jenny McNeil participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant complete his temporary work assignment and properly notify the employer to seek additional assignments?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. When the claimant was hired, he signed a statement that he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant worked on an assignment at Silgan Container from February 11, 2010, to May 29, 2010. At Silgan Container, the schedule for permanent and temporary workers was posted on Tuesday for the following week. The claimant noticed on Tuesday, May 25, that he was not scheduled to work for the week of June 1, along with some other temporary workers. He asked a manager at Silgan Container and was told that he might be laid off for two to three weeks. The claimant's wife works as a permanent employee at Silgan Container. She checked the schedule on June 1, and the claimant was not listed as working the following week. The claimant contacted the office manager on June 3 and informed her that he had been laid off. He was not offered additional work. The claimant has contacted Silgan Container and the employer several times since then. Ultimately, he was told that Silgan Container did not intend to call him back to work.

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 evidence establishes that the claimant satisfied the conditions of Iowa Code § 96.5-1-j. He was laid off due to a lack of work as defined in 871 IAC 24.1(113)a.

DECISION:

The unemployment insurance decision dated August 16, 2010, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw