

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GREG A SCHIPULL
Claimant

APPEAL NO: 14A-UI-01087-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 12/22/13
Claimant: Appellant (2)

Iowa Code § 96.5(1)j – Temporary Employment

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's January 23, 2014 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he had voluntarily quit for this employment reasons that do not qualify him to receive benefits. The claimant participated in the February 19 hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for reasons constituting work-connected misconduct?

FINDINGS OF FACT:

The claimant registered to work with the employer at its Mason City office in February 2012. The claimant was assigned to work for Genco as an operation analyst. The claimant traveled to different states and worked where Genco needed him. During the course of this employment, payroll checks came from either Texas or Iowa. When the claimant registered to work in February 2012, he does recall receiving any information about contacting the employer for work within three days of completing an assignment.

The claimant was working in Reno, Nevada, in early December 2013. Genco management told the claimant that his work as an operational analyst had been completed in Reno. When the claimant asked if Genco wanted him to turn in the company computer and printer, he was told no. The claimant understood that when another project was available Genco would call him. The claimant's last day of work in Reno was December 8, 2013. The claimant took vacation days the next week.

When the claimant was not called back to work by the week of December 22, he established a claim for benefits during this week. The week of December 22 the claimant started calling one of the employer's representatives in Texas and then in Mason City, Iowa, to find out what he

needed to do. A representative advised the claimant to contact his local Workforce office. On January 22, 2014, Genco called the claimant and asked him to return to work. The claimant returned to work for Genco during the week of January 22, 2014.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if he 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 in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if he fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

The facts indicate that at the time of hire the claimant did not receive information in writing that he was required to contact the employer within three days of completing an assignment. Therefore, Iowa Code § 96.5(1)j does not apply in this case. On December 8, 2013, the employer's client, Genco, temporarily laid off the claimant. The claimant was on a short-term layoff and was called back to work the week of January 22, 2014. This short-term layoff does not disqualify the claimant from receiving benefits. As of December 22, 2013, the claimant is qualified to receive benefits.

DECISION:

The representative's January 23, 2014 determination (reference 01) is reversed. The claimant did not voluntarily quit his employment and he was not discharged for work-connected misconduct. Instead, the employer's client, Genco, placed the claimant on a temporary layoff from December 8, 2013, through January 22, 2014. As of December 22, 2013, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs