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

LEWIS S HEGLIN
Claimant

APPEAL NO: 10A-UI-06417-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

OC: 03/28/10
Claimant: Appellant (1)

Section 96.5-1-J – Voluntary Quit/Assignment Completion

STATEMENT OF THE CASE:

The claimant appealed a department decision dated April 15, 2010, reference 02, that held he voluntarily quit without good cause attributable to his employer on August 29, 2009, and benefits are denied. A telephone hearing was held on June 21, 2010. The claimant did not participate. Michael Nicolosi, Branch Manager, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The employer is a temporary employment firm. The claimant worked for the employer on three assignments during the third quarter of 2009, and he earned gross wages of $449. After the claimant completed his last assignment on August 29, 2009, he failed to contact the employer within three working days about further work.

The claimant did not respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

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 administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer when he completed an assignment on August 29, 2009, and he failed to contact the employer about further work.

DECISION:

The department decision dated April 15, 2010, reference 02, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on August 29, 2009. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

_____
Randy L. Stephenson
Administrative Law Judge

_____
Decision Dated and Mailed

rls/pjs