

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**IAN H KEENE-BABCOCK**  
Claimant

**EMPLOYER SOLUTIONS STAFFING GRP**  
Employer

**APPEAL 18A-UI-05688-CL-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 04/15/18**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the May 14, 2018, (reference 01) unemployment insurance decision that denied benefits based upon a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on June 8, 2018. Claimant participated personally. Employer did not register for the hearing and did not participate.

**ISSUE:**

Did claimant quit by not reporting for additional work assignments within three business days of the end of the last assignment?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Employer is a temporary staffing agency with an office in Des Moines, Iowa. Claimant was last assigned to work at Planned Parenthood in Iowa City as a full-time advocacy strategist for Eastern Iowa. On April 4, 2018, Planned Parenthood told claimant the assignment was ending because it wanted to go in a different direction. Claimant's last day of work was April 6, 2018. Claimant did not contact employer immediately thereafter. Claimant had not been given any instructions by employer on what he needed to do if the assignment ended. Claimant filed a claim for unemployment insurance benefits with an effective date of April 15, 2018. An employee with Iowa Workforce Development instructed claimant he needed to be in contact with employer to determine if it had other work available. Claimant then contacted employer, but was told it had no assignments available in the Iowa City area where claimant resides.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's separation was with good cause attributable to the employer.

Iowa Code section 96.5(1)j provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. (1) 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.

(2) 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.

(3) For the purposes of this paragraph:

(a) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their workforce during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(b) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

Since employer provided no evidence that it presented claimant with a written copy of any reporting policy or that it has such a policy, claimant's recollection that he did not receive notice of a reporting policy is credible. Accordingly, claimant was reasonable to opt to look for work elsewhere or to report for additional work when he did.

**DECISION:**

The May 14, 2018, (reference 01) unemployment insurance decision is reversed. The claimant's separation from employment was attributable to the employer. Benefits are allowed, provided he is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.

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Christine A. Louis  
Administrative Law Judge  
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Decision Dated and Mailed

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