

ISSUE:

Did the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits, or did the employer discharge him for work?

FINDINGS OF FACT:

The employer is temporary staffing firm. The claimant registered to work for the employer on October 9, 2004. The employer assigned the claimant to a job at Eaton's on October 9, 2004.

Eaton supervisors recommended the claimant be hired as a full-time Eaton employee. Eaton management interviewed the claimant. During the week of September 11, 2005, the claimant expected a call from Eaton regarding his status of becoming an Eaton employee

The claimant reported he was ill and unable to work as scheduled on September 11. On September 12, 2005, the employer contacted the claimant to inform him his job assignment had ended because of his attendance. The claimant understood he had been absent from work four times since October 4, 2004. There is no record that the employer talked to the claimant about any attendance issues.

On September 12, when the claimant called about a vacation check, he asked the employer about another job assignment. As of September 12, the employer did not have another job to assign to the claimant.

REASONING AND CONCLUSIONS OF LAW:

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

The claimant's job assignment ended for reasons that do not constitute work-connected misconduct. The law presumes excessive unexcused absenteeism is an intentional disregard of the claimant's duty to an employer and amounts to work-connected misconduct except for illness or other reasonable grounds for which the employee was absent and has properly reported to the employer. 871 IAC 24.32(7). The evidence does not establish that the claimant was excessively absent from work. This is supported the fact the employer did not talk to the claimant about any attendance issues and Eaton's considered hiring the claimant as a full-time Eaton employee.

After the claimant's job assignment ended, the employer not only told the claimant his assignment ended but also the employer did not have another job to assign to the claimant. If Iowa Code §96.5-1-j applies, the requirements of this law have been satisfied.

For unemployment insurance purposes, the claimant's job assignment ended for reasons that do not constitute work-connected misconduct and the claimant did not quit his employment under Iowa Code §96.5-1-j. Therefore, as of September 11, 2005, the claimant is qualified to receive unemployment insurance benefits.

DECISION:

The representative's September 30, 2005 decision (reference 01) is reversed. The claimant did not quit his employment and his job assignment did not end on September 11 for disqualifying reasons. As of September 11, 2005, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

dlw/s