

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TODD R WILLIAMS
Claimant

APPEAL NO: 10A-UI-05212-DW

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 02/28/10
Claimant: Appellant (2)

Section 96.5-1-j – Voluntary Leave Temporary Employment Firm

STATEMENT OF THE CASE:

The claimant appealed a representative's April 1, 2010, decision (reference 04) that disqualified him from receiving benefits and held the employer's account exempt from charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. An in-person hearing was held in Des Moines on May 11, 2010. The claimant appeared for the hearing. The employer did not appear for the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

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

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant registered to work for the employer in May 2009. The claimant completed a job assignment the employer assigned to him on or about July 31, 2009. When the employer assigned him a job, the job was usually a one or two-day job. After the claimant completed the late July assignment, he contacted the employer about another job assignment. The employer did not have another job at that time to assign to him. The claimant then told the employer he was interested in second shift work. The employer did not assign him to any second shift jobs.

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. 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.

Based on the evidence presented during the hearing, after the claimant completed a job on July 31, he timely contacted the employer about another assignment. The employer did not have another job to assign the claimant at that time. The claimant's employment ended for reasons that do not disqualify him from receiving benefits.

DECISION:

The representative's April 1, 2010 decision (reference 04) is reversed. The claimant completed a job assignment. The claimant timely contacted the employer for another assignment, but the employer did not have another job to assign him. The reasons for this employment separation do not disqualify the claimant from receiving benefits. Therefore as of March 31, 2010, the claimant is qualified to receive benefits based on the reasons for this employment separation. The employer's account may be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css