

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHAMMAH R FINCH**  
Claimant

**APPEAL NO: 13A-UI-11186-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**  
Employer

**OC: 09/01/13**  
**Claimant: Appellant (2)**

Iowa Code § 96.5(2)a – Nondisqualifying Employment Separation

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's September 25, 2013 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. Sarah Fiedler, the human resource generalist, and Jennifer Stukey, an account manager, appeared on the employer's behalf. During the hearing, Claimant Exhibit A was offered and admitted as evidence. Based on the evidence, the arguments of the parties, 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 work-connected misconduct?

**FINDINGS OF FACT:**

The claimant registered to work for the employer in 2012. When he initially registered, the claimant received information that when he completed a job assignment, he was to contact the employer within three days to advise the employer he had completed an assignment and wanted another assignment.

The employer assigned the claimant to work as a forklift operator at Trinity Logistics. On August 27, the employer called the claimant at 4:10 p.m. At 4:37 p.m. the claimant and Stukey talked. (Claimant Exhibit A.) During this conversation Stukey told the claimant his assignment at Trinity Logistics was over. Stukey told the claimant the reasons his assignment was considered completed. The claimant and Stukey disagree about whether the claimant asked about any other jobs during this conversation.

The claimant went to the employer's office on August 28 and returned his Trinity Logistics badge and time sheet. Stukey did not personally receive the badge until September 3. The claimant called the employer on September 3 and left the necessary information so the employer would assign him another job. The employer assigned the claimant a new assignment on October 7. This is a 50-day assignment.

#### **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 reveal the employer **informed** the claimant after his shift had been completed on August 27, that his job assignment at Trinity Logistics had been completed. (Trinity Logistic did not want to hire the claimant as a permanent employee.) The employer knew on August 27 that the claimant needed another assignment, but did not offer him another job on August 27. The requirement that the claimant contact the employer within three days of completing an assignment does not apply to this case since the employer informed the claimant his job was over.

The employer and claimant presented conflicting testimony as to whether the claimant asked about another job on August 27. Even though the claimant's phone records were admitted as Claimant Exhibit A, the records show the claimant called the employer on August 27 and talked to Stukey at 4:37 p.m., but the exhibit does not establish what the two of them talked about. Since both parties may have "selective memory" on this point and they are both credible witnesses, the evidence does not establish if the claimant did not or did not ask Stukey about another job on August 27. The employer, however, did not offer the claimant another job until early October.

The facts then show that on September 3, the claimant called and effectively notified the employer he wanted another job assignment. When the claimant returned his badge and timesheet on August 28, he may have indicated he wanted another job. The employer did not assign him to another job until October 7, 2013. Since the employer contacted the claimant to let him know he no longer had a job at Trinity Logistic and the claimant timely contacted the employer, the day after Labor Day, about another job, the evidence does not establish that the claimant voluntarily quit working for the employer. As soon as the employer offered him another job, the claimant accepted the new assignment. Therefore, as of September 1, 2013, the claimant is qualified to receive benefits because he became unemployed as the result of completing a temporary job assignment.

**DECISION:**

The representative's September 25, 2013 determination (reference 01) is reversed. The claimant did not voluntarily quit his employment. Instead, he became unemployed because his job assignment ended and the employer did not have another job to assign to him until early October. As of September 1, 2013, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account is subject to charge.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs