

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CORTRELL MADDOX
Claimant

APPEAL NO. 07A-UI-11107-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 10/28/07 R: 02
Claimant: Respondent (1/R)

Section 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

Express Services, Inc. (employer) appealed an unemployment insurance decision dated November 27, 2007, reference 04, which held that Cortrell Maddox (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 17, 2007. The claimant participated in the hearing. The employer participated through Crystal McBride, Personnel Supervisor. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant disqualified because he failed to contact the temporary employment agency within three working days after the completion of his assignment when notified of this requirement at the time of hire?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The employer is a temporary employment agency and the claimant was employed full-time as an industrial worker from August 30, 2007 through October 26, 2007, when his assignment ended. He called in for another assignment on October 29, 30, and 31, but none were available. The claimant also called in on November 5, 2007, but no work was available. He called in on November 8 and the employer had a position available but it was only for one day and he did not accept it. He checked in for work several more times and one assignment was offered to him, but he did not have transportation, so he could not accept it.

The claimant began going to school full-time on November 18, 2007. The issue of whether he is able and available to work has not yet been addressed.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer or if the employer discharged him for work-connected misconduct. See Iowa Code §§ 96.5-1 and 96.5-2-a. Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer.

In the case herein, the claimant did contact the employer within three working days after the completion of his contract but no work was available. He did check in several more times but, again, no work was available. The claimant is considered to have voluntarily quit with good cause attributable to the employer and benefits are allowed.

The issues of whether the claimant is able and available to work were not included in the notice of hearing for this case, and it will be remanded for an investigation and determination on those issues. 871 IAC 26.14(5).

DECISION:

The unemployment insurance decision dated November 27, 2007, reference 04, is affirmed. The claimant voluntarily quit his employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits provided he is otherwise eligible. This case is remanded for further determination.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw