

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANA L MOHR
Claimant

APPEAL NO. 07A-UI-02380-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCES SERVICES INC
Employer

OC: 01/21/07 R: 01
Claimant: Respondent (1)

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The employer, Advance Services, filed an appeal from a decision dated February 26, 2007, reference 02. The decision allowed benefits to the claimant, Dana Mohr. After due notice was issued a hearing was held by telephone conference call on March 26, 2007. The claimant participated on her own behalf. The employer participated by Office Manager Brandi McFarland.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Dana Mohr began employment with Advance Services on August 14, 2006. Her last assignment was at Cardinal Glass which ran from November 29, 2006 until January 23, 2007, when the assignment ended and she was laid off.

Office Manager Brandi McFarland contacted Ms. Mohr the morning of January 24, 2007, to tell her she need not report for her night shift that day because the assignment was over. They discussed another assignment at another client but the claimant said she was not qualified for that job since she had been rejected when a previous assignment had been offered due to having a misdemeanor on her record.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-j provides:

An individual shall be disqualified for benefits:

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. 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.

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.

For the purposes of this paragraph:

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

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

The record establishes the claimant did discuss further assignments with the employer after her last one ended. Although it is not certain whether the claimant asked first or the employer offered first, she did not indicate she was not willing to accept another assignment, only stated she was not qualified to work at that particular client because of a previous rejection. Disqualification may not be imposed.

DECISION:

The representative's decision of February 26, 2007, reference 02, is affirmed. Dana Mohr is qualified for benefits, provided she is otherwise eligible.

Bonny G. Hendricksmeyer
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs

