

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES E RHEINGANS
Claimant

APPEAL NO. 11A-UI-09254-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 05/30/10
Claimant: Appellant (2)

Section 96.5-1-j – Temporary Employment

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated July 13, 2011, reference 06, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on August 4, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer. Exhibits A-1 and A-2 were admitted into evidence at the hearing. This decision involves the same separation from employment decided in 11A-UI-08645-SWT, with the same outcome.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant started work full-time for the employer on September 25, 2010, on an assignment at Eaton Corporation. That assignment ended on March 31, 2011, when his contract with Eaton Corporation ended and was not renewed. A secretary with the employer informed the claimant about this on March 31. The claimant asked to speak to his staffing representative with the employer, John Ritter. He asked Ritter about another assignment or another position at Eaton Corporation. Ritter said he would have to consult with the human resources representative at Eaton Corporation and there were no other openings available. The claimant made several follow-up calls starting on April 1 about additional work but whenever he spoke to Ritter, he was told there was no other work available for him.

REASONING AND CONCLUSIONS OF LAW:

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, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The evidence establishes the claimant contacted the employer about reemployment on March 31, April 1, and several times afterward and the employer did not have work for him. The evidence fails to show his employment ended due to any misconduct by the claimant as defined by Iowa Code 96.5-2-a. He is qualified to receive benefits, if he is otherwise eligible.

DECISION:

The unemployment insurance decision dated July 13, 2011, reference 06, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw