

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BENJAMIN J CAP

Claimant

APPEAL NO: 10A-UI-09314-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC

Employer

OC: 05/23/10

Claimant: Appellant (2)

Section 96.5-1-J – Voluntary Quit/Assignment Completion

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 24, 201, reference 01, that held he voluntarily quit without good cause attributable to his employer on May 21, 2010, and benefits are denied. A telephone hearing was held on August 16, 2010. The claimant participated. Scot McKenzie, Unemployment Specialist, participated for the employer. Employer Exhibits 1 and 2 was received as evidence.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The employer is a temporary employment firm, and the claimant signed documents that he must report to the employer within three days after an assignment ends. The claimant worked for the employer on an assignment at Monsanto Research beginning March 1, 2010. The claimant completed the assignment on May 21, 2010. The claimant called and later reported in-person to an employer representative on May 21 that the assignment was completed and he was requesting his final paycheck.

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 administrative law judge concludes the claimant voluntarily quit with good cause attributable to his employer when he completed his assignment on May 21, 2010, and so notified his employer who had no further work assignment for him on that date.

The law does not require the claimant to request further work, but only notify the employer the assignment has been completed (or ended), which he did when he called and went in-person to request his final paycheck on May 21. The claimant satisfied the notification requirement and the employer offered him no further assignment.

DECISION:

The unemployment insurance decision dated June 24, 2010, reference 01, is reversed. The claimant voluntarily quit with good cause attributable to his employer on May 21, 2010. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css