

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEPHEN M HUTT**  
Claimant

**APPEAL NO. 14A-UI-01345-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/22/13**  
**Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit  
Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

The employer filed an appeal from a representative's decision dated January 28, 2014, reference 02, which held that the claimant was eligible for unemployment insurance benefits. After due notice, a hearing was held on February 26, 2014, in Davenport, Iowa. The claimant failed to respond to the hearing notice and did not participate in the hearing. The employer participated by Tori Bronson, Front Office Coordinator. The record consists of the testimony of Tori Bronson and Employer's Exhibits 1-3. Official notice is taken of agency records. This case was heard in conjunction with 14A-UI-01346-VST.

**ISSUES:**

Whether the claimant voluntarily quit without good cause attributable to the employer; and  
Whether the claimant was able and available for work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a temporary staffing agency. The claimant accepted an assignment from February 27, 2013, to May 17, 2013. He was assigned to Helena Industries as a full-time production worker. The employer ended the assignment on May 17, 2013. The claimant did not request another assignment until July 17, 2013. He signed a separate Iowa form, which stated that he would be considered a voluntary quit if he did not request another assignment within three working days.

**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 claimant is not eligible for unemployment insurance benefits. The department issued two decisions concerning the claimant's entitlement to unemployment insurance benefits. The reference 02 decision, which is the subject of this appeal, held that the claimant was eligible for benefits because he was not discharged for misconduct. In the reference 03 decision, the representative ruled that the claimant was not discharged for misconduct. The administrative law judge reversed the representative's decision and held that the claimant voluntarily quit without good cause attributable to the employer. That same decision in 14A-UI-01346-VST applies to the reference 02 decision.

Unfortunately the Appeals Bureau set this case, 14A-UI-01345-VST, up as an able and available case when it was actually a separation case. The correct issues in this case should have been the same issues present in 14A-UI-01346-VST. The issue of able and available is not applicable in this case.

**DECISION:**

The decision of the representative dated January 28, 2014, reference 02, is reversed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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