

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LORENZO A GONZALEZ**  
Claimant

**APPEAL NO. 09A-UI-09640-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEMP ASSOCIATES**  
Employer

**OC: 05/17/09**  
**Claimant: Respondent (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated June 30, 2009, reference 01, that concluded the claimant's separation from employment was not under disqualifying conditions. A telephone hearing was held on July 22, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing with the assistance of Ike Rocha. Deborah Perdue participated in the hearing on behalf of the employer with a witness, Jennifer Starr. Official notice is taken of the Agency's records regarding the claimant's unemployment insurance claim, which show a fact-finding interview held on January 14, 2009, in which Deborah Perdue participated. A decision was issued on January 20, 2009, in which the Agency concluded work offered the claimant on November 14, 2009, was unsuitable. There was no appeal of the decision. If a party objects to taking official notice of these facts, the objection must be submitted in writing no later than seven days after the date of this decision.

**ISSUE:**

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

**FINDINGS OF FACT:**

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant started working for the employer on January 2, 2007. His last assignment was with Alaniz & Sons and he completed that job assignment on November 11, 2008. Temp Associates contacted the claimant on the morning of November 14 about going back to the assignment at Alaniz & Son, but the claimant declined the assignment. When the claimant came in to pick up his check on November 14, he asked if there was other work and was told that he could have been working if he accepted the recall to Alaniz.

He contacted the employer regularly starting November 17 and afterward but no work was available. He stopped calling in April after several months without receiving work.

A fact-finding interview was held on January 14, 2009, in which Deborah Perdue participated. A decision was issued on January 20, 2009, in which the Agency concluded work offered the claimant on November 14, 2009, was unsuitable. There was no appeal of the decision.

## **REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code section 96.5-1 and 96.5-2-a.

As an initial matter, the employer attempts to raise an issue about the November 14, 2008, recall to work. I conclude this issue was properly treated as offer of work issue and was already decided on January 20, 2009, and the decision became final because it was not appealed within 10 days as required by Iowa Code section 96.6-2.

I do not see where the Agency ever decided before June 30, 2009, whether the claimant should be subject to disqualification for voluntarily quitting employment under Iowa Code section 96.5-1-j. I will now decide that issue.

Iowa Code section 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 claimant completed his last work assignment on November 11, 2008, and the employer was aware that the assignment was completed. He was actually contacted about work about a job assignment three days later on November 14, and then he came in later that day and asked if there was other work. The requirements of Iowa Code section 96.5-1-j have been met. The claimant is not subject to disqualification.

## **DECISION:**

The unemployment insurance decision dated June 30, 2009, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs