

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARIA A HERRERA
Claimant

APPEAL NO: 09A-UI-18433-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CAMBRIDGE TEMPOSITIONS INC
Employer

OC: 09/28/08
Claimant: Appellant (1/R)

Section 96.5-1-j – Completion of Job for a Temporary Employment Firm

STATEMENT OF THE CASE:

The claimant appealed a representative's November 30, 2009 decision (reference 04) that concluded she was not qualified to receive benefits, and the employer account was exempt from charge because the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. A telephone hearing was held on January 27, 2010. The claimant did not respond to the hearing notice or participate in the hearing. Anna Martinez, the branch manager, appeared on the employer's behalf. Patricia Vargas was available to interpret the hearing. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntary quit her employment for reasons that qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary staffing firm. On July 17, 2009, the claimant registered to work for the employer. On July 17, the claimant received paperwork in Spanish informing her that when she completed a job assignment, she needed to contact the employer within three working days to ask about another assignment. The information also told the claimant that if she did not contact the employer within the three working days, the employer would consider her to have voluntarily quit her employment.

On September 11, 2009, the employer assigned the claimant to a job at Syngenta Seeds. The employer's on-site supervisor told the claimant and other temporary employers on October 19, 2009, that this job assignment was completed that day. While the employer had other work to assign to the claimant, she did not contact the employer again about another job assignment.

The claimant reopened her claim for benefit during the week of October 18, 2009. She has filed for and received Emergency Unemployment Compensation benefits since October 18, 2009.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if she fails to notify the employer. Iowa Code § 96.5-1-j.

The facts establish the employer advised the claimant in writing (Spanish) that she could be disqualified from receiving benefits if she did not contact the employer within three working days of completing a job assignment. The claimant did not contact the employer for another job assignment. Instead, she reopened her claim for benefits and starting filing weekly claims. For unemployment insurance purposes, the claimant voluntarily quit working for the employer for reasons that do not qualify her to receive benefits. As of October 18, 2009, the claimant is not qualified to receive benefits.

Since the claimant filed for and received Emergency Unemployment Compensation benefits since October 18, 2009, an issue of overpayment will be remanded to the Claims Section to determine.

DECISION:

The representative's November 30, 2009 decision (reference 04) is affirmed. The claimant voluntarily quit working for the employer for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 18, 2009. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. An issue of overpayment for benefits the claimant received since October 18, 2009, is remanded to the Calms Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css