

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TAMMY E LIKES**  
Claimant

**APPEAL NO. 09A-UI-10108-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LA LEASING  
SEDONA STAFFING**  
Employer

**Original Claim: 10/12/08  
Claimant: Respondent (2)**

Section 96.5(1)j – Quit/Temporary

**STATEMENT OF THE CASE:**

The employer, Sedona Staffing, filed an appeal from a decision dated July 10, 2009, reference 07. The decision allowed benefits to the claimant, Tammy Likes. After due notice was issued, a hearing was held by telephone conference call on July 30, 2009. The claimant participated on her own behalf. The employer participated by Unemployment Benefits Administrator Colleen McGuinty. Exhibit One was admitted into the record.

The claimant had elected to use a cell phone and was advised it was not recommended. She was further notified if she lost the connection during the hearing, the administrative law judge would not call her back until she contacted the Appeals Section to indicate her cell phone was working again or she had found another phone to use, but the hearing would proceed without her participation and might very well be over by the time she called back. Ms. Likes lost the connection at 9:07 a.m. By the time the record was closed at 9:08 a.m., she had not contacted the Appeals Section to rejoin the hearing and did not give testimony.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Tammy Likes was employed by Sedona from October 2001 until May 28, 2009. On October 17, 2008, she signed an "availability statement" that notified her of the requirement to contact the employer within three working days of the end of each assignment to request more work. It further notified her that a failure to meet this requirement would be considered a voluntary quit and might affect eligibility for unemployment benefits.

Ms. Likes' last assignment ended Friday, May 22, 2009. She did not contact Sedona at any time after that date.

Tammy Likes filed an additional claim for unemployment benefits with an effective date of May 24, 2009. The records of Iowa Workforce Development indicate no benefits have been paid to her subsequent to that date.

### **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 was properly notified of the requirement to contact the employer within three working days of the end of each assignment. She failed to do so. Because her cell phone disconnected before she could give testimony, Ms. Likes did not present any testimony regarding mitigating circumstances. Under the provisions of the above Code section, she is considered a voluntary quit without good cause attributable to the employer. The claimant is disqualified.

**DECISION:**

The representative's decision of July 10, 2009, reference 07, is reversed. Tammy Likes is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Because the claimant has not received any benefits since her separation from this employer, a remand to UIS division to determine any overpayment of benefits is not necessary.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw