

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

JARROD UTTER  
607 - 8<sup>TH</sup> ST APT 11  
FT MADISON IA 52627-2805

TEMP ASSOCIATES  
1000 N ROOSEVELT AVE  
BURLINGTON IA 52601

Appeal Number: 06A-UI-07517-BT  
OC: 06/18/06 R: 04  
Claimant: Respondent (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit  
Section 96.5-1-j – Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

Temp Associates (employer) appealed an unemployment insurance decision dated July 17, 2006, reference 01, which held that Jarrod Utter (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 14, 2006. The claimant did not comply with the hearing notice instructions and did not call in to provide a telephone number at which he could be contacted, and therefore, did not participate. The employer participated through Jan Windsor, Office Manager and Brenda West, Receptionist.

#### FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time temporary laborer from May 23, 2006 through June 17, 2006. Although his assignment was not completed, he stopped reporting to work on June 17, 2006. He called the employer on June 20, 2006 to ask about another assignment but the employer was not aware he had quit his previous assignment. The employer told the claimant he was not guaranteed another assignment since he had quit his previous assignment without notice but before it could be discussed, the employer had to talk with the company for whom the claimant had been working. The claimant was advised to call in again but he never contacted the employer after that date.

The claimant filed a claim for unemployment insurance benefits effective June 18, 2006 but has not received benefits after the separation from employment.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer or if the employer discharged him for work-connected misconduct. Iowa Code sections 96.5-1 and 96.5-2-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 ending a 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. The employer must also notify the individual that he may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code section 96.5-1-j.

In the case herein, the claimant quit his assignment without notice and although he did request an additional assignment, the employer had to speak with the company to whom the claimant had been assigned before he could be placed elsewhere. He was directed to call back but the claimant never contacted the employer after June 20, 2006. Although the claimant did satisfy the requirements of Iowa Code section 96.5-1-j, his actions demonstrate he voluntarily quit his employment.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980) and Peck v. Employment Appeal Bd., 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated his intent to quit and acted to carry it out by not calling the employer for reassignment as directed after June 20, 2006.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code section 96.6-2. The claimant failed to participate in the hearing and has not satisfied that burden. Benefits are denied.

DECISION:

The unemployment insurance decision dated July 17, 2006, reference 01, is reversed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. There is no overpayment as a result of this decision.

sda/pjs