

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ASIHNA C ERNEST
Claimant

APPEAL NO. 13A-UI-12723-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 09/29/13
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit
Section 96.5-1-j – Separation from Temporary Employment

STATEMENT OF THE CASE:

The employer filed an appeal from a representative's decision dated November 7, 2013, reference 02, which held that the claimant was eligible for unemployment insurance benefits. After due notice, a hearing was held on December 5, 2013, by telephone conference call. The claimant participated personally. The employer participated by Maria Mays, the risk administration assistant, and Trisha Manthei, the branch manager in Maquoketa, Iowa. The record consists of the testimony of Maria Mays; the testimony of Trisha Manthei; the testimony of Asihna Ernest; and Employer's Exhibit 1.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

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

The employer is a temporary staffing agency. The last assignment the claimant had with the employer started on July 17, 2013, and ended on August 26, 2013. The claimant worked at Maquoketa Web Printing and was a print, bindery, and finishing worker. The assignment ended because the client stopped work on third shift. On August 27, 2013, the claimant requested another assignment.

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 eligible for unemployment insurance benefits. The issue in this case is whether the claimant asked for an additional assignment within three working days of the end of her previous assignment on August 26, 2013. The claimant testified that she asked for additional work on August 27, 2013. The employer's records do not record a contact until September 3, 2013. The administrative law judge accepts the claimant's testimony that she did ask for another assignment on August 27, 2013. The claimant was able to give the date and time that she called based on her notes. Since the claimant complied with the employer's requirement to call within three working days of the end of her assignment, she is not a voluntary quit. Benefits are allowed if the claimant is otherwise eligible.

DECISION:

The decision of the representative dated November 7, 2013, reference 02, is affirmed. Unemployment insurance benefits are allowed, if the claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css