

The Employer maintains a record of an employee's telephone calls requesting assignments by recording the time of the call and date-stamping it in the employee's contact notes. (11:30-11:43) Mr. Tubb did not contact the Employer again until April 21, 2016 at 10:29 a.m. (11:52-11:57)

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits: *Voluntary Quitting*. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

j. The individual is a temporary employee of 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.

The findings of fact show how we have resolved the disputed factual issues in this case. We have carefully weighed the credibility of the witnesses and the reliability of the evidence. We attribute more weight to the Employer's version of events. The record establishes that the Employer has a notification policy in place for which the Claimant signed in acknowledgement of receipt as well as admitted having knowledge under oath.

When his assignment ended on April 6, 2016, he merely acquiesced to its end and made no efforts to secure an additional assignment. It wasn't until long after three days expired that Mr. Tubb made any contact with the Employer based on the Employer's testimony regarding the record of his contact on April 21, 2016. Thus, in keeping with the Employer's policy, the Claimant voluntarily quit his employment with Temp Associates.

DECISION:

The administrative law judge's decision dated May 17, 2016 is **REVERSED**. The claimant voluntarily quit without good cause attributable to the Employer. Accordingly, the Claimant is denied benefits until such time he has worked in and was paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. See, Iowa Code section 96.5(1)"g".

Kim D. Schmett

Ashley R. Koopmans

DISSENTING OPINION OF JAMES M. STROHMAN:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would affirm the administrative law judge's decision in its entirety.

James M. Strohman

AMG/fnv