

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DUY T PHY**  
Claimant

**APPEAL NO: 13A-UI-02537-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**STAFFING SOLUTIONS**  
Employer

**OC: 12/16/12**  
**Claimant: Appellant (2)**

Iowa Code § 96.5(1)j – Voluntary Quit Temporary Employment Firm

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's March 1, 2013 determination (reference 02) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit his employment by failing to timely contact the employer for a new assignment. The claimant participated in the hearing. William Von Sloun, the manager, appeared on the employer's behalf. Phung Nguyen interpreted the hearing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes that as of January 7, 2013, the claimant remains qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The employer is a temporary employment agency. The claimant registered to work for the employer's clients in late November 2012. The claimant's application was completed on a computer. The claimant's son helped him complete the application because English is not the claimant's primary language. The claimant did not understand what he needed to do to complete the computer application.

On November 26, 2012, an employee gave the claimant a copy of the employer's policy. The claimant initialed that he received the employer's policy. One policy informed the claimant that upon completing a job assignment, he must contact the employer within three days if he wanted to be reassigned and if he did not the employer could consider him to have voluntarily quit. Even though the claimant signed the paperwork, which indicated he understood the policy, the claimant did not understand this policy. The representative who gave the claimant the written policy did not testify at the hearing.

The claimant started an assignment on December 3, 2012. The last day the claimant worked at this assignment was December 31, 2012. The client told the claimant that he was not needed after December 31 because his work did not meet the client's standards. The client contacted

the employer on January 2, 2013, to report the claimant's services were no longer necessary because the claimant's welding skills did not meet the client's standards.

The claimant did not contact the employer about another job assignment after December 31, 2012. The claimant did not understand that he was required to contact the employer for another job assignment. The employer considered the claimant eligible for another assignment.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer has discharged the claimant for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if he 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 in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if he fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

871 IAC 24.26(15) does not disqualify a claimant if the claimant had good cause for not contacting the employer within three days or notifying the employer at the first reasonable opportunity. In this case, the claimant asserted he did not understand that he was to contact the employer for another assignment after the client told him he was no longer needed on December 31, 2012. Since the employee who went over the policy with the claimant on November 26, 2012, did not testify and the claimant asserted he did not understand the policy, the evidence indicates the claimant did not contact the employer for another assignment because he had no understanding he should do this. Based on the claimant's limited language skills, he established good cause for not contacting the employer for another assignment. Therefore, the facts do not establish that he quit for reasons that disqualify him from receiving benefits. As of January 7, 2013, the claimant remains qualified to receive benefits.

The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

**DECISION:**

The representative's March 1, 2013 determination (reference 02) is reversed. The client ended the claimant's assignment for unsatisfactory work performance. The claimant established good

cause for failing to contact the employer for another job assignment. Therefore, as of January 7, 2013, the claimant remains qualified to receive benefits, provided he meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/tll