

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**DAVID GRIMM**  
Claimant

**EXPRESS SERVICES INC**  
Employer

**APPEAL NO. 14A-UI-02725-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/08/13**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1-j - Voluntary Quit of Temporary Employment

**STATEMENT OF THE CASE:**

David Grimm (claimant) appealed an unemployment insurance decision dated March 4, 2014, (reference 01), which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Express Services (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 3, 2014. The claimant participated in the hearing. The employer participated through Jim Cole, Staffing Consultant.

**ISSUE:**

The issue is whether the claimant is disqualified for failure to contact the temporary employment agency within three working days after the completion of his assignment, when and if notified of this requirement at the time of hire.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment agency and the claimant was hired on December 16, 2013. At the time of hire, he signed end of assignment reporting requirements which advised him of the requirement to check in for additional work after the completion of an assignment. The employer requires employees to check in within three working days after an assignment ends to provide the employer notification of the claimant's availability and failure to do so would be considered as a voluntary quit. The claimant was given a copy of the end of assignment reporting requirements, which is not part of the application or contract of employment.

The claimant was assigned on January 8, 2014, to work with Terex Crane and his assignment ended on January 31, 2014. Sarah from Express Services notified the claimant that his assignment was over. The employer has no records of the claimant requesting additional work or stating that he had called available. The claimant was considered to have voluntarily quit.

The claimant went to the employer's office on January 31, 2014, to drop off his time cards and to pick up his paycheck. He contends he requested additional work but the employer has no records of that.

#### **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. Iowa Code § 96.5-1. The employer herein is a temporary employment agency and temporary employment agencies are governed by Iowa Code § 96.5-1-j, which places specific restrictions on both the employer and the employee with regard to unemployment insurance benefits.

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 and the employer did so in this case. 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 § 96.5-1-j. The claimant was given a copy of the end of assignment reporting requirements, which advised him that failure to contact the employer after the end of an assignment could result in a loss of unemployment benefits.

The claimant knew or should have known he was required to contact the employer after the completion of his assignment so the employer knew whether he was available for additional assignments. He testified he went to the employer's office to turn in his time sheets and to pick up his paycheck on January 31, 2014. He contends that he requested additional work but the employer has no record of the claimant requesting additional work. The claimant never contacted them again after that date.

The fact that the claimant went to the employer's office on January 31, 2014, is not disputed but the evidence does not support his contention that he asked for additional work. The claimant has not established good cause for his failure to do so. He did not satisfy the requirements of Iowa Code § 96.5-1-j and is disqualified from receiving unemployment insurance benefits.

#### **DECISION:**

The unemployment insurance decision dated March 4, 2014, (reference 01), is affirmed. 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.

---

Susan D. Ackerman  
Administrative Law Judge

---

Decision Dated and Mailed

sda/css