

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSEPH S DUNNE**  
Claimant

**APPEAL NO: 12A-UI-14917-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC/SEDONA STAFFING**  
Employer

**OC: 11/11/12**

**Claimant: Respondent (1)**

Section 96.5-1-j – Temporary Employment  
871 IAC 24.26(15) – Temporary Employment

**STATEMENT OF THE CASE:**

L A Leasing, Inc. / Sedona Staffing (employer) appealed a representative's December 14, 2012 decision (reference 02) that concluded Joseph S. Dunne (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 24, 2013. The claimant participated in the hearing. Chad Baker appeared on the employer's behalf and presented testimony from one other witness, Joe Vermeulen. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Was there a disqualifying separation from employment?

**FINDINGS OF FACT:**

The employer is a temporary staffing agency. The claimant began taking assignments through the employer on March 7, 2010. His most recent assignment prior to the issuance of the representative's decision began on June 4, 2012. He worked full time as a deck hand at the employer's business client through October 13, 2012. The assignment ended that date because the business client deemed the assignment to be completed. The claimant did not contact the employer to seek reassignment until October 26. The employer asserted that the claimant voluntarily quit because he failed to contact the employer within three days of the end of the assignment to seek reassignment as required by the employer's policies to avoid being considered to be a voluntary quit. The reason for the claimant's delay was that he was not certain until about October 26 that he was not going to be needed further by the business client.

**REASONING AND CONCLUSIONS OF LAW:**

The essential question in this case is whether there was a disqualifying separation from employment. An employee of a temporary employment firm who has been given proper notice of the requirement can be deemed to have voluntarily quit his employment with the employer if

he fails to contact the employer within three business days of the ending of the assignment in order to notify the employer of the ending of the assignment and to seek reassignment. Iowa Code § 96.5-1-j. While the claimant did not seek reassignment from the employer within three days of his last day of work, he did have “good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter,” treated by the statute as substantial compliance. *Id.*

Regardless of whether the claimant continued to seek a new assignment, the separation itself is deemed to be completion of temporary assignment and not a voluntary leaving; a refusal of an offer of a new assignment would be a separate potentially disqualifying issue. Benefits are allowed, if the claimant is otherwise eligible.

**DECISION:**

The representative’s December 14, 2012 decision (reference 02) is affirmed. The claimant’s separation was not a voluntary quit but was the completion of a temporary assignment. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

ld/pjs