

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TERRELL R WASHINGTON**  
Claimant

**APPEAL NO: 15A-UI-00148-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MASTERTSON PERSONNEL INC**  
Employer

**OC: 11/23/14**

**Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Leaving/Requalification

**STATEMENT OF THE CASE:**

Terrell R. Washington (claimant) appealed a representative's December 31, 2014 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Mastertson Personnel, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 30, 2015. This appeal was consolidated for hearing with one related appeal, 15A-UI-00149-DT. The claimant participated in the hearing. Jim Robertson appeared on the employer's behalf and presented testimony from one witness, Kristi Cain. During the hearing, Employer's Exhibits One and Two were entered into evidence. 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 modifying the representative's decision and allowing the claimant benefits.

**ISSUE:**

Did the claimant voluntarily quit, and if so is he disqualified from receiving unemployment insurance benefits?

**FINDINGS OF FACT:**

The employer is a temporary staffing agency. After a prior period of employment through the employer, the claimant's most recent assignment through the employer began August 17, 2014. He was to work full time at the employer's New Hampton, Iowa business client on the third shift. The assignment became only the one day because the business client determined that it did not wish to continue the assignment. The business client informed the employer and then the employer informed the claimant of the completion of the assignment on August 18, 2014. The claimant did not 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 employer did have other work available for the claimant in the area if he had sought reassignment.

The claimant established a claim for unemployment insurance benefits effective November 23, 2014. His weekly benefit amount was calculated to be \$175.00. After August 18 but prior to November 23 the claimant did have employment with another employer in which he earned over \$1,750.00 in insured wages.

**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 both notify the employer of the ending of the assignment and to seek reassignment. Iowa Code § 96.5-1-j; Rule 871 IAC 24.26(15). The claimant failed to seek reassignment as required. The claimant would normally be disqualified for unemployment insurance benefits for voluntarily quitting without good cause attributable to the employer.

Iowa Code § 96.5-1-g 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:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

However, the administrative law judge further concludes from information contained in the administrative record that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The representative's December 31, 2014 decision (reference 01) is modified in favor of the appellant. The claimant voluntarily left his employment without good cause attributable to the employer, but has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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