

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RAIMOND D O'NEAL-MURPHY
Claimant

APPEAL NO. 11A-UI-04174-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMEDY INTELLIGENT STAFFING INC
Employer

**OC: 01/23/11
Claimant: Appellant (5)**

Section 96.5-1-g – Voluntary Quit from Temporary Employment

STATEMENT OF THE CASE:

Raimond D. O'Neal-Murphy filed a timely appeal from an unemployment insurance decision dated March 22, 2011, reference 01, that disqualified him for benefits upon a finding that he had become unemployed because of being absent without contact for three days. After due notice was issued, a telephone hearing was held April 26, 2011 with Senior Staffing Consultant Vicky Mathias participating for the employer, Remedy Intelligent Staffing, Inc. Mr. O'Neal-Murphy did not respond to the notice by providing a telephone number at which he could be contacted.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Raimond D. O'Neal-Murphy was employed by Remedy Intelligent Staffing, Inc. from October 8, 2010 through November 4, 2010. He last worked on assignment at Omega Cabinet. When hired, Mr. O'Neal-Murphy was given a separate written notification that he must contact Remedy Intelligent Staffing, Inc. within three working days after the end of each assignment in order to seek reassignment. Mr. O'Neal-Murphy's assignment at Omega Cabinet ended because he was absent without contact on November 4, 2010. He has not contacted Remedy Intelligent Staffing to seek reassignment since that date.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

Iowa Code § 96.5-1-j 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:

j. The individual is a temporary employee of a 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.

For the purposes of this paragraph:

(1) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their work force during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(2) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

Since the claimant did not participate in the hearing, the employer's evidence has not been contradicted. It establishes that upon hire, the claimant was notified that he must contact the employer within three working days after the end of each assignment in order to seek reassignment. He did not do so after his assignment at Omega Cabinet ended. Therefore, benefits must be withheld.

DECISION:

The unemployment insurance decision dated March 22, 2011, reference 01, is modified without effect in the payment of unemployment insurance benefits. The claimant voluntarily left employment without good cause attributable to the employer by failing to seek reassignment within three working days. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs