

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANDA J BIRCH
Claimant

APPEAL NO. 11A-UI-13136-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

USA STAFFING INC
Employer

OC: 07/24/11
Claimant: Appellant (2)

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The claimant, Amanda Birch, filed an appeal from a decision dated October 3, 2011, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on November 3, 2011. The claimant participated on her own behalf. The employer, USA Staffing, did not provide a telephone number where a witness could be contacted and did not participate.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Amanda Birch was employed by USA Staffing from July 20, 2010. Her second assignment began in August 2010 for the City of Dubuque. On Thursday, September 1, 2011, her supervisor, Nancy Ottobach, told her a permanent replacement had been hired and her last day of work would be Saturday, September 3, 2011.

On Friday, September 2, 2011, Ms. Birch went to the USA Staffing office and spoke with Carla to tell her the assignment would be ending the next day. She notified Carla she would be available for any future assignments and has kept in contact with the agency every week since then.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

The claimant did notify the temporary agency of the end of the assignment and made it clear she wanted future work by assuring Carla she was available after the current job ended. The claimant had complied with the provisions of the above Code section and disqualification may not be imposed.

DECISION:

The representative's decision of October 3, 2011, reference 02, is reversed. Amanda Birch is qualified for benefits, provided she is otherwise eligible.

Bonny G. Hendricksmeyer
Administrative Law Judge

Decision Dated and Mailed

bgh/css