

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DARREN K STOKES**  
Claimant

**APPEAL NO. 11A-UI-12551-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**  
Employer

**OC: 08/07/11**  
**Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit of Temporary Employment

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated September 13, 2011, reference 02, that concluded the claimant voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on October 17, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer. The employer had faxed a continuance request based on its representative not being available for the hearing or, in lieu of a postponement, a chance to submit a written statement. The administrative law judge did not receive the request until the day of the hearing. No postponement of the hearing had been granted and no statement was received from the employer.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer from September 28, 2010, to August 4, 2011. When the claimant was hired, he was notified that he needed to contact the employer within three working days after the completion of a job assignment and request a new assignment or he would be considered to have quit.

He was assigned to a job at Winegard Company until July 2011. He initially was working as a packer and finished that assignment. He was then assigned a job in a different part of the plant. On the third day of working in the new job, he reported to the supervisor at Winegard Company that the new job was hurting his shoulder. The supervisor told him to go home and contact the employer the next day, which the claimant did.

When he contacted the employer, he was given a new assignment working at a pipe making company. He worked there for about two weeks and missed two days due to illness with proper notice to the employer. After the second absence, he was informed by a manager with the employer that the company considered his absences to be excessive and he was being

removed from the assignment. The claimant asked about other work and was told to continue to check in for work. The claimant has been calling in regularly to the employer, but no work has been offered to him.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-a.

Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The claimant is not subject to disqualification under Iowa Code § 96.5-1-j because he contacted his employer within three days of each assignment ending to ask for more work. The evidence does not establish that his separation from employment was a voluntary quit or discharge for misconduct. He is eligible for benefits.

**DECISION:**

The unemployment insurance decision dated September 13, 2011, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw