

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GASTON D KEATON**  
Claimant

**APPEAL NO. 13A-UI-04144-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MASTERSON PERSONNEL INC**  
Employer

**OC: 02/10/13**  
**Claimant: Respondent (1)**

Section 96.5-1-j – Separation from Temporary Employment Firm

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated March 26, 2013, reference 01, that concluded the claimant contacted the employer after completing his temporary work assignment. A telephone hearing was held on May 14, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Jim Robertson participated in the hearing on behalf of the employer with a witness, Katie Spieker. Exhibits One and Two were admitted into evidence at the hearing.

**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 full time for the employer on an assignment at Aeron Advanced Manufacturing from August 13, 2012 to February 8, 2013.

Near the end of his shift on February 8, the claimant received a call from the recruiter for the employer, Katie Spieker, who told the claimant that his assignment at Aeron would be ending that day. When the claimant asked Spieker if he had done anything wrong, she stated no he was laid off. The claimant asked Spieker if there were any other jobs. Spieker said she did not know. He asked if he would be able to return to Aeron and she said yes, his performance was good.

The claimant reported to the office on February 11 and spoke to another recruiter about when Aeron would be hiring again. The recruiter told him that he did not know.

**REASONING AND CONCLUSIONS OF LAW:**

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 findings of fact show how I resolved the disputed factual issues in this case by carefully assessing of the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. The claimant testified credibly that he asked about other work when he spoke to Spieker and when he came in at the beginning of the next week and talked to Chad. The employer's evidence is contrary to this, but I believe the claimant's testimony. The preponderance of the evidence shows the claimant has met the requirements of Iowa Code § 96.5-1-j in this case.

**DECISION:**

The unemployment insurance decision dated March 26, 2013, reference 01, is affirmed. 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/tll