

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMIE M BRYANT
Claimant

APPEAL NO: 12A-UI-13492-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

OC: 10/14/12
Claimant: Appellant (1)

Iowa Code § 96.5(1)j – Voluntary Quit Employment with a Temporary Staffing Firm

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 7, 2012 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Mike Thomas, an account manager, appeared on the employer's behalf. During the hearing, Employer Exhibit One was offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits, or did the employer discharge her for reasons constituting work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary staffing firm. The claimant registered to work for the employer's clients on February 10, 2012. On February 10, 2012, the claimant signed the employer's availability statement. (Employer Exhibit One.) The employer's policy requires employees to sign the employer's work availability log within three working days after an assignment ends. An employee's failure to do this is considered a voluntarily quit. Even though the claimant does not remember receiving a copy of this document, she did. The employer assigned her to a job.

The claimant learned from the client in late September her last day of work would be October 14, 2012. The claimant contacted the employer in late September and told the employer this assignment would end on October 14. In early October and on October 10 the claimant again contacted the employer and reported that her assignment would be completed on October 14 and she wanted another job. When the claimant contacted the employer, she called and left messages. The employer did not respond to the claimant's messages.

On October 18, the claimant talked the employer and was asked to bring back her ID and told that she could pick up her paycheck. The claimant did not ask the employer about another job assignment after October 14 and did not sign the employer's work availability log.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if she does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if she fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

The evidence established the employer properly notified the claimant in writing about the three-day notification rule. Even though the claimant advised the employer in late September that her assignment would end on October 14, she only left the employer voice-mail messages. After the assignment ended, the claimant did not again contact the employer to find out if the employer had another job to assign to her. Based on Iowa Code § 96.5(1)j, the claimant voluntarily quit when she failed to contact the employer within three days after her assignment ended in an attempt to obtain another job assignment. As of October 14, 2012, the claimant is not qualified to receive benefits.

DECISION:

The representative's November 7, 2012 determination (reference 01) is affirmed. The claimant voluntarily quit her employment relationship with the employer for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 14, 2012. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css