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

DANIEL ROLON
Claimant

APPEAL NO: 15A-UI-00502-DWT

ADMINISTRATIVE LAW JUDGE
DECISION

EXPRESS SERVICES INC
Employer

OC: 11/30/14
Claimant: Appellant (1)

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's January 14, 2015 determination (reference 03) that disqualified him from receiving benefits and held the employer's account exempt from charge because he had voluntarily quit this employment for reasons that do not qualify him to receive benefits. The claimant participated at the February 6 hearing. Megan Williams appeared on the employer's behalf. 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 this employment for reasons that do not qualify him to receive benefits?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant registered to work for the employer's clients on March 13, 2014. At that time he received and signed documents informing him that he was required to contact the employer within 72 hours of completing a job assignment to seek another assignment or he could jeopardize his unemployment insurance benefits. The claimant also received a handbook with this information in it.

The employer assigned the claimant to work at Anderson on March 24, 2014. An Anderson supervisor informed the claimant this assignment was over on December 5 and he was laid off from work. The claimant understood Anderson would have work for again in two months.

The employer's record indicates the claimant contacted the employer's office on November 27, 2014, and January 26, 2015. The claimant did not contact the employer within three days of completing the Anderson assignment because he wanted a higher paying job.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1)a. A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if he 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 he fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

Although the claimant asserted he called the employer about another job during the week of December 8, 2014, the employer does not have record of this call. The claimant presented conflicting testimony because he also indicated he had interviews with other employers and did not want to go back to another low paying job that employer assigns. Based on this conflicting testimony and the fact the employer does not have a record that the claimant contacted the employer the week of December 7, the evidence indicates the claimant did not contact the employer within three working days of December 5. Even though the claimant understood he was required to contact the employer for another job assignment, he did not. For unemployment insurance purposes the claimant voluntarily quit this employment for reasons that do not qualify him to receive benefits.

DECISION:

The representative's January 14, 2015 determination (reference 03) is affirmed. As of November 30, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise
Administrative Law Judge

_____
Decision Dated and Mailed

dlw/pjs