

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSE ROGERS
Claimant

APPEAL NO. 08A-UI-10628-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SOS STAFFING SERVICES INC
Employer

**OC: 04/20/08 R: 04
Claimant: Appellant (2)**

Iowa Code § 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

Jesse Rogers (claimant) appealed an unemployment insurance decision dated November 13, 2008, reference 03, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with SOS Staffing Services, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 1, 2008. The claimant participated in the hearing. The employer did not comply with the hearing notice instructions and did not call in to provide a telephone number at which a representative could be contacted, and therefore, did not participate. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant checked in for additional assignments after the completion of the assignment on which he was working.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was employed as a temporary general laborer from May 2008 through September 26, 2008, when he was taken off an assignment. He repeatedly checked in for additional work but none was available.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer or if the employer discharged him for work-connected misconduct. See Iowa Code §§ 96.5-1 and 96.5-2-a.

Temporary employment agencies are governed by Iowa Code § 96.5-1-j, which places specific restrictions on both the employer and the employee with regard to qualifying for unemployment insurance benefits after a voluntary separation. There is no evidence regarding whether the employer has an end-of-assignment notification policy. However, the claimant testified that he did contact the employer repeatedly after the end of his assignment but no work was available. Consequently, the claimant's voluntary separation from employment was with good cause attributable to the employer. Benefits are allowed.

DECISION:

The unemployment insurance decision dated November 13, 2008, reference 03, is reversed. The claimant voluntarily quit his employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw