

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL W MOSS**  
Claimant

**APPEAL NO. 12A-UI-06566-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**  
Employer

**OC: 04/22/12**  
**Claimant: Appellant (1)**

Section 96.5-1-j – Quit From Temporary Employment

**STATEMENT OF THE CASE:**

Michael W. Moss filed a timely appeal from an unemployment insurance decision dated May 23, 2012, reference 04, that disqualified him for benefits. After due notice was issued, a telephone hearing was held June 27, 2012. Although Mr. Moss had provided a telephone number at which he could be contacted, that number was answered by a recording at the time of the hearing. The administrative law judge left a message for the claimant to call the Appeals Bureau before the end of the hearing if he wished to participate. The administrative law judge then took the testimony of Sarah Fiedler of Team Staffing Solutions, Inc. There was no contact from Mr. Moss during that hearing.

**ISSUE:**

Did the claimant leave work with good cause attributable to the employer?

**FINDINGS OF FACT:**

Michael W. Moss was employed by Team Staffing Solutions, Inc. from July 25, 2011, until April 23, 2012. When first hired, Mr. Moss was given a separate written notification that he must contact Team Staffing Solutions within three working days of the end of each assignment in order to seek re-assignment. The claimant's last assignment with Team Staffing Solutions was from April 9, 2012, through April 23, 2012. He did not contact the employer until April 30, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether Mr. Moss' separation from employment should be treated as a voluntary quit without good cause attributable to the employer for unemployment insurance purposes. It should.

Iowa Code section 96.5-1-j provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department, but the individual shall not be disqualified if the department finds that:

j. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm of completion of an employment assignment and who seeks reassignment. Failure of the individual to notify the temporary employment firm of completion of an employment assignment within three working days of the completion of each employment assignment under a contract of hire shall be deemed a voluntary quit unless the individual was not advised in writing of the duty to notify the temporary employment firm upon completion of an employment assignment or the individual had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter.

To show that the employee was advised in writing of the notification requirement of this paragraph, the temporary employment firm shall advise the temporary employee by requiring the temporary employee, at the time of employment with the temporary employment firm, to read and sign a document that provides a clear and concise explanation of the notification requirement and the consequences of a failure to notify. The document shall be separate from any contract of employment and a copy of the signed document shall be provided to the temporary employee.

For the purposes of this paragraph:

(1) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their work force during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(2) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

The evidence in this record establishes that the employer complied with the statute by providing Mr. Moss at the time of hire, a separate written statement advising him that he must contact the company within three working days after the end of each assignment and that if he failed to do so, the separation would be treated as a quit without good cause attributable to the employer for unemployment insurance purposes. The evidence further establishes that Mr. Moss did not contact the company within three working days after April 23, 2012. For unemployment insurance purposes, therefore, the separation must be treated as a disqualifying event.

**DECISION:**

The unemployment insurance decision dated May 23, 2012, reference 04, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

kjw/kjw