

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**WILLIE J THOMAS**  
Claimant

**SEDONA STAFFING INC**  
Employer

**APPEAL 21A-UI-11259-AR-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/28/21  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On April 26, 2021, claimant, Willie J. Thomas, filed an appeal from the April 21, 2021, reference 02, unemployment insurance decision that denied benefits based upon the determination that claimant voluntarily quit his employment with the employer, Sedona Staffing, Inc., in order to accept other employment, but he did not accept other employment. The parties were properly notified about the hearing held by telephone on July 9, 2021. The claimant participated personally. The employer participated through Colleen McGuinty.

**ISSUE:**

Did the claimant quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant last worked on assignment through the employer on February 10, 2021. That assignment was not originally supposed to end on February 10, 2021, but the client notified the employer that it did not wish to have claimant return to the assignment.

Claimant has worked intermittently through the employer since 2013. After the end of the assignment on February 10, 2021, the employer offered him a position at another company, to begin February 15, 2021. Claimant initially accepted this position, but then canceled prior to the start of his first shift because he did not have transportation. The employer told claimant to let it know when he had transportation. It later offered claimant another job, as well, but claimant also canceled his acceptance of that position prior to beginning work there. He has not been in contact with the employer since.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

Iowa Code § 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. (1) 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.

(2) 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.

(3) For the purposes of this lettered paragraph:

(a) "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.

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

Iowa Admin. Code r. 871—24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not

be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code § 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of

Iowa Code § 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for work at the conclusion of each temporary assignment so they may be reassigned and continue working. The plain language of the statute allows benefits for a claimant "who notifies the temporary employment firm of completion of an assignment and who seeks reassignment."

Here, claimant has been offered additional assignments since his last day of work on February 10, 2021. However, he has not accepted, and actually worked, any assignment since that time. He has not demonstrated that his failure to accept and actually begin work offered by the employer was due to good cause attributable to the employer. Claimant has not carried his burden, and benefits are denied.

**DECISION:**

The April 21, 2021, (reference 02) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.



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Alexis D. Rowe  
Administrative Law Judge

July 20, 2021  
Decision Dated and Mailed

ar/ol