

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VALARA AKINS**

Claimant

**APPEAL NO. 07A-UI-08185-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LABOR READY MIDWEST INC**

Employer

**OC: 07/15/07 R: 03  
Claimant: Respondent (1)**

Section 96.5(1)j – Temporary Employment

**STATEMENT OF THE CASE:**

Labor Ready Midwest, Inc. filed an appeal from a representative's decision dated August 15, 2007, reference 02, which held that no disqualification would be imposed regarding Valara Akins' separation from employment . After due notice was issued, a hearing was held by telephone at 2:00 p.m. on September 11, 2007. The employer participated by Dixie Derby, Branch Manager. Exhibits One, Two, and Three were admitted on the employer's behalf. Ms. Akins did not respond to the notice of hearing until approximately 3:27 p.m. on the day of the hearing. She had received the hearing notice but failed to read and follow the instructions for participation. The administrative law judge determined that she did not establish good cause for not participating at the scheduled time and, therefore, declined to reopen the hearing record.

**ISSUE:**

At issue in this matter is whether Ms. Akins was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Akins began working for Labor Ready Midwest, Inc., a temporary placement firm, on March 24, 2006. On April 24, 2007, she was placed on an assignment with Marriott Hotel. She was told to return for further work at the hotel on April 25 but did not do so. Labor Ready has not been contacted by Ms. Akins since April 24, 2007.

At the time of hire, Ms. Akins signed a one-page document advising that she had to seek re-assignment within three working days of the end of an assignment. The three-day reporting requirement is the only matter addressed on the sheet, which recites Iowa Code section 96.5(1)j in its entirety. Ms. Akins signed the document and was given a copy on March 15, 2006.

**REASONING AND CONCLUSIONS OF LAW:**

Ms. Akins was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law.

See 871 IAC 24.26(19). Ms. Akins did not complete her last assignment as she failed to return to Marriott Hotel on April 25, 2007 to complete the assignment. Moreover, even if she completed the assignment on April 24, she still failed to seek reassignment within three working days.

The employer provided Ms. Akins with the required notice advising that she had to seek reassignment within three working days of the end of an assignment. The notice was in a single document that did not contain other terms and conditions of the employment and a copy was provided to Ms. Akins. The three-day reporting requirement is clearly spelled out in the document. The evidence failed to establish any good cause for Ms. Akins' failure to seek reassignment within three working days of the end of her last assignment. As such, her separation is considered a voluntary quit.

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The evidence failed to establish any good cause attributable to the employer for Ms. Akins' separation. Accordingly, benefits are denied. No overpayment results from this reversal of the prior allowance, as Ms. Akins has not received benefits on her claim filed effective July 15, 2007.

**DECISION:**

The representative's decision dated August 15, 2007, reference 02, is hereby reversed. Ms. Akins quit her employment with Labor Ready Midwest, Inc. for no good cause attributable to the employer. Benefits are withheld until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw