

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

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Appeal Number: 04A-UI-01850-SWT  
OC 01/18/04 R 04  
Claimant: Respondent (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1-j - Voluntary Quit of Temporary Employment  
Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated February 17, 2004, reference 03, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on March 11, 2004. The parties were properly notified about the hearing. The claimant participated in the hearing. Jenny McNeil participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. When the claimant was hired, he was given and advised to read a statement that notified him that he was required to sign the Temp Associates work available log within

three working days following the completion of a job assignment or he would be considered to have voluntarily quit employment.

The claimant worked for the employer on an assignment at ESCP Inc. from September 8, 2003 to September 26, 2003. After the claimant completed his work shift for September 26, 2003, an account manager, Jenny McNeil, contacted the claimant and informed the claimant that he was not to go back to work for ESCP on September 29, 2003 because ESCP had reported that the claimant had poor attendance. In fact, the claimant had only missed one day, which was for legitimate reasons and was properly reported to the employer. McNeil did not offer the claimant another job or inform the claimant to contact the employer regarding reassignment to a different job.

The claimant did not have any contact with the employer until October 2, 2003, when he came into the employer's office, signed the work available log, and pick up his check. The employer did not have any work available for the claimant at that time.

#### REASONING AND CONCLUSIONS OF LAW:

Iowa Code Section 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has provided them with a document to read and sign that advises them of the requirements.

The claimant is not subject to disqualification under Iowa Code Section 96.5-1-j. First, the requirement of signing a work available log within three working days following the completion of a job assignment goes beyond the requirement of the statute, which only requires individuals to notify the employer about the completion of their work assignment. Second, the claimant had contact with the employer after the completion of his work assignment when the manager contacted the claimant to notify him that he was being removed from the assignment. At that point, the employer did not offer the claimant a different job or inform him that he needed to contact the employer the following week regarding future employment. In this case, the claimant did not complete the work assignment but was instead removed from the assignment by the employer. The claimant cannot be deemed to have quit his job. Furthermore, the employer has not proven that the claimant committed work-connected misconduct as defined in Iowa Code Section 96.5-2-a.

#### DECISION:

The unemployment insurance decision dated February 17, 2004, reference 03, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

saw/b