

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ERICA GARCIA
Claimant

APPEAL NO: 14A-UI-02805-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC
Employer

OC: 01/05/14
Claimant: Appellant (1)

Iowa Code § 96.5(1)j – Voluntary Quit Temporary Employment Firm

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's March 10, 2014 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because her employment separation was for disqualifying reasons. The claimant participated at the April 4 hearing. Rhonda Hefter de Santisteban, the human resource supervisor, and Dan Garcia, a branch manager, appeared on the employer's behalf. Ike Rocha interpreted the hearing. During the hearing, Employer Exhibit One was offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

After the claimant registered to work for the employer, on August 7, 2013, she signed the employer's 3-Day Reassignment Policy. The policy informed the claimant in English and Spanish that her failure to contact the employer within three days of completing an assignment for another assignment indicates that she voluntarily quit working for the employer. (Employer Exhibit One.)

The employer assigned the claimant to a job on September 4, 2013. She completed this assignment on October 16, 2013. After the claimant completed the assignment, she did not contact the employer for another assignment until three months later.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving

unemployment insurance benefits if she does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if she fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

The facts indicate the claimant received information about contacting the employer within three days of completing an assignment. The claimant did not remember she needed to this by mid-October when she completed her assignment. Since the claimant was a temporary employee, who was advised in writing about the three-day notification rule, she is disqualified from receiving benefits as of January 5, 2014. She did not make a timely request for another assignment from the employer. As of January 5, 2014, the claimant is not qualified to receive benefits.

DECISION:

The representative's March 10, 2014 determination (reference 01) is affirmed. The claimant is not qualified to receive benefits as of January 5, 2014, because she failed to make a timely request for another assignment after she completed an assignment in mid-October 2013. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs