

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FRANK J JONES

Claimant

APPEAL NO. 12A-UI-00588-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC

Employer

OC: 03/20/11

Claimant: Appellant (2)

871 IAC 24.1(113)a - Layoff

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 17, 2012, reference 02, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on February 9, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant laid off due to lack of work?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer on assignments at Prima Provisions from May 16, 2011, to December 17, 2011. The assignment was from day to day with a representative with Prima Provisions notifying the Advance Services supervisor whether workers were needed the next day. The Advance Services supervisor would then inform the workers if they were needed the next day. If the supervisor told the workers that they were not needed the next day, they were told that when work was again available they would receive a call.

On December 7, 2011, the claimant and other workers were told that they were not needed the next day and would be called when there was work available again. He never received another call. He was never informed verbally or in writing that he was required to contact the employer within three days after completing a work assignment to request a new assignment.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-a. The claimant did not quit and was not discharged. He was laid off due to lack of work. 871 IAC 24.1(113)a (definition of layoff).

Iowa Code § 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 given them a statement to read and sign that advises them of these requirements. The claimant is not subject to disqualification under this law, because he was never informed about any requirement to request a new assignment within three days.

DECISION:

The unemployment insurance decision dated January 17, 2012, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw