

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERRY L CREWS
Claimant

APPEAL NO: 12A-UI-08458-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**L A LEASING INC
SEDONA STAFFING**
Employer

OC: 12/13/09
Claimant: Appellant (4)

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's July 10, 2012 determination (reference 03) that disqualified him from receiving benefits as of June 15, 2012, because he voluntarily quit for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. Chad Baker and Shelby Kingery appeared on the employer's behalf. Based on the evidence, the parties' arguments, and the law, the administrative law judge finds the claimant eligible to receive benefits the week of July 1, 2012, but ineligible June 17 through 30, 2012.

ISSUE:

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

FINDINGS OF FACT:

The employer is a temporary employment firm. The employer first assigned the claimant to a job in June 2009. The claimant's most recent assignment began on February 13, 2012. The employer's business client asked the employer to remove the claimant from this job for attendance issues. The claimant's last day of work at this assignment was June 15, 2012. The claimant had been absent from work for court proceedings to get custody of his children. The claimant was not available to work June 15 to 29 because of the legal proceedings he was involved in regarding the custody of his children.

The claimant signed paperwork in February 2012 informing him that he was required to contact the employer within three working days for another job assignment after an assignment ended. The claimant did not contact the employer about another job until July 4 because he was involved in obtaining custody of his children.

The employer contacted him returning to work on June 29. The claimant was out of state for a funeral, but thought he would be back on July 2. He told the employer he was available to work on July 2. The claimant was unable to get back to his home by July 2 and notified the employer that he was unable to work that day.

The claimant returned to his home on July 3. The claimant called and left a message for the employer on July 4. The claimant informed the employer he was available to work and asked the employer to call him again about another assignment.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him 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 he 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 he fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

A claimant is not disqualified from receiving benefits if he had good cause for not contacting the employer within three days for another job assignment. 871 IAC 24.26(15)b & c. The evidence establishes the claimant was not available to work June 16 through July 3, 2012, because he was involved in legal proceedings to obtain custody of his children and was then out of town for a funeral. When the claimant became available for work, he contacted the employer on July 4 and reported he could work. Even though the claimant reopened his claim the week of June 17, he was not available to work until the week of July 1, 2012.

The employer is not one of the claimant's base period employers on his current claim and will not be charged for benefits on the 2009 claim year.

DECISION:

The representative's July 10, 2012, reference 03, determination is modified in the claimant's favor. After the claimant's job assignment ended on June 15, he did not contact the employer about another job until he was again available for work the week of July 1, 2012. Since the claimant had good cause for not contacting the employer before July 4 about another job assignment, he is not disqualified from receiving benefits as of June 15, but he is not eligible to receive benefits from June 17 through 30, 2012. The employer is not one of the claimant's base period employers on his 2009 claim year so the employer's account will not be charged during this claim year.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs