

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LARRY E BOOTH

Claimant

APPEAL NO: 14A-UI-04326-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC

Employer

OC: 03/30/14

Claimant: Appellant (1)

Section 96.5-1-J – Voluntary Quit/Assignment Completion

871 IAC 24.25(25) – Vacation

STATEMENT OF THE CASE:

The claimant appealed a department decision dated April 23, 2014, reference 01, that held he voluntarily quit without good cause attributable to the employer on December 23, 2013, and benefits are denied. A telephone hearing was held on May 14, 2014. The claimant participated. Steve Volle, Risk Manager, and Sandy Ahmann, participated for the employer. Employer Exhibit 1 was received as evidence.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The employer is a temporary employment firm. The claimant signed for an assignment policy that requires him to contact the employer within three working days after an assignment has ended for his next job assignment. A failure to make to do so is considered a voluntary quit.

Claimant worked for the employer on an assignment at Syngenta as full-time general labor. The claimant was told the plant would be closing at the end of the year. A Syngenta supervisor asked claimant on December 23 whether he would be opposed to a layoff prior to closing. Claimant asked whether he should return to work on December 26, and was told no.

Claimant called an employer representative on December 30 to say his assignment had ended and he was going on vacation for two to three months. Claimant made no inquiry about further work until he called on March 30, 2014. The employer did not offer work as it considered claimant had voluntarily quit on December 30 to go on vacation.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-24.25(25) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(25) The claimant left to take a vacation.

Iowa Code section 96.5-1-j provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department, But the individual shall not be disqualified if the department finds that:

j. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm of completion of an employment assignment and who seeks reassignment. Failure of the individual to notify the temporary employment firm of completion of an employment assignment within three working days of the completion of each employment assignment under a contract of hire shall be deemed a voluntary quit unless the individual was not advised in writing of the duty to notify the temporary employment firm upon completion of an employment assignment or the individual had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter.

To show that the employee was advised in writing of the notification requirement of this paragraph, the temporary employment firm shall advise the temporary employee by requiring the temporary employee, at the time of employment with the temporary employment firm, to read and sign a document that provides a clear and concise explanation of the notification requirement and the consequences of a failure to notify. The document shall be separate from any contract of employment and a copy of the signed document shall be provided to the temporary employee.

For the purposes of this paragraph:

(1) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their work force during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(2) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer when he completed his job assignment on December 23, 2013, and chose to go on vacation rather than request further work.

The claimant did complete his work assignment due to layoff on December 23, but his decision to forgo further due to an extended vacation is a voluntary quit without good cause. Claimant was obligated to request further work and if none was available, his decision to go on vacation would not be disqualifying. There was no employer policy that allowed claimant a vacation period after completing a job assignment.

DECISION:

The department decision dated April 23, 2014, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on December 23, 2013. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css