

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JASON W SCHILTZ
Claimant

APPEAL NO: 10A-UI-11436-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

**OC: 07/04/10
Claimant: Respondent (1)**

Section 96.5-1j – Voluntary Quit a Temporary Job

STATEMENT OF THE CASE:

The employer appealed a representative's August 9, 2010 determination (reference 01) that held the claimant eligible to receive benefits and the employer's account subject to charge because the claimant's employment separation was for non-disqualifying reasons. At the hearing, the claimant and Holly Carter, the employer's witness, participated at the hearing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant eligible to receive benefits as of June 23, 2010.

ISSUE:

Did the claimant voluntarily quit his employment without good cause, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

When the claimant registered to work for the employer, he received information that when a job assignment ended he was required to contact the employer about another job within three days. If the claimant did not contact the employer within three days, he could put a claim for unemployment insurance benefits in jeopardy. After the claimant registered to work for the employer's clients, he was assigned to work at Millard Refrigeration on an on-call basis. He worked at this job assignment until late March 2010.

On June 8, 2010, the employer contacted the claimant to work at Millard Refrigeration. Millard Refrigeration told the claimant he would be called back when there was more work to do. The employer also contacted him to work on June 23, 2010. The claimant accepted the four-hour job assignment. The claimant did not think to contact the employer for another job assignment because the employer had called him in the past when there was a job for him. The claimant looked for other work when he was not working.

The claimant established a new benefit year during the week of July 4, 2010. After the claimant learned the employer reported he had quit, he contacted the employer on July 27, 2010. The employer did not have a job for claimant on July 27, 2010.

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 §§ 96.5-2-a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual 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 the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5-1-j.

The claimant acknowledged receiving information in September 2009 when he registered to work for the employer that he was to contact the employer when he completed a job assignment. When his on-call assignment at Millard Refrigeration ended in March 2010, the employer did not consider him to have voluntarily quit.

The claimant did not contact the employer for more work. The evidence reveals the employer contacted the claimant when the employer had a job for him. The employer called the claimant two times in June, June 8 and 23, to work. The claimant accepted both assignments. When the claimant completed the assignment at Millard Refrigeration on June 8, he was told he would be called back to work. Even though the claimant did not call the employer after June 8, the employer again called him on June 23 to unload a truck for four hours. The employer knew the June 23 assignment was only a one-day job.

Since the employer called the claimant two times in June when there was work for him to do, the claimant reasonably believed it was not necessary for him to contact the employer. Since the employer contacted the claimant when there was work for him to do in June, the fact the claimant did not contact the employer about a job after he completed a four-hour job assignment on June 23, does not disqualify him from receiving benefits as of July 4, 2010.

DECISION:

The representative's August 9, 2010 determination (reference 01) is affirmed. As of July 4, 2010, the claimant remains qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw