

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FELIPE S URBANA CASTRO
Claimant

APPEAL NO. 13A-UI-13849-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LA LEASING INC
Employer

OC: 11/03/13
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated December 10, 2013, reference 03, that concluded the claimant had completed a temporary work assignment. A telephone hearing was held on January 13, 2014. The parties were properly notified about the hearing. The claimant failed to participate in the hearing with the assistance of an interpreter, Ike Rocha. Maria Mays participated in the hearing on behalf of the employer with a witness, James Cole.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked full time on an assignment at Rock 10 from June 10, 2013, to November 14, 2013. When the claimant was hired, he was given a statement to read and sign that said he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant initially worked at Rock 10 through October 31, 2013. He reported to work on November 4 but was sent home by a Sedona representative named Mary who works onsite at Rock 10 who told the claimant that the employer did not have any work for him at that time.

The claimant filed a new claim for unemployment insurance benefits with an effective date of November 3, 2013, after he was told that the employer did not have work for him.

The claimant returned to work on November 11, 12, 13, and 14. He reported to work on November 15, but Mary informed him that there was no work and sent him home. The claimant contacted the employer on November 18 but again was told there was no work available.

The claimant returned to work for the employer at Rock 10 in December 2013.

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.

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 findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. I believe the testimony of the claimant about Mary sending him home and telling him there was no work for him. The employer asserts that Mary did not have authority to send the claimant home, but even if that is true, I believe the claimant reasonably believed she did have that authority. The claimant has satisfied Iowa Code § 96.5-1-j by contacting the employer within three working days to request another assignment.

DECISION:

The unemployment insurance decision dated December 10, 2013, reference 03, is affirmed. 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/pjs