

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PATRICK J JUCHCINSKI**  
Claimant

**APPEAL NO. 08A-UI-02817-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LABOR FORCE INC**  
Employer

**OC: 02/03/08 R: 12  
Claimant: Respondent (1)**

Section 96.5(1)j – Quit/Temporary

**STATEMENT OF THE CASE:**

The employer, Labor Force, filed an appeal from a decision dated March 12, 2008, reference 01. The decision allowed benefits to the claimant, Patrick Juchcinski. After due notice was issued, a hearing was held by telephone conference call on April 7, 2008. The claimant participated on his own behalf. The employer participated by President Kent Knickelbein, Office Manager Meredith Hummell, and Operations Manager for AC Group Adam Baker.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Patrick Juchcinski was employed by Labor Force from May 31, 2006 until February 3, 2008, at AC Group. At the time of hire he was given an "employment packet" which contained information such as his W-4 form and some notification somewhere he was to notify Labor Force within three days of the end of any assignment. However, this notice was not on a separate piece of paper, he did not sign a separate notice form, and he was not given a copy of anything he signed. When Operations Manager Adam Baker notified the claimant on February 3, 2008, his services were no longer needed, he did not know he was to contact Labor Force for a new assignment.

**REASONING AND CONCLUSIONS OF LAW:**

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 claimant was not notified in writing on a separate document of the requirement to contact the employer within three days of the end of each assignment. The information may very well have been contained somewhere in the "employment packet" Mr. Juchcinski received but as it was not a separate document, which he signed individually, and he was not given a copy, the employer has failed to meet the requirements of the above Code section. Disqualification may not be imposed.

**DECISION:**

The representative's decision of March 12, 2008, reference 01, is affirmed. Patrick Juchcinski is qualified for benefits, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css