

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CRAIG A FARLEY
Claimant

DES STAFFING SERVICES INC
Employer

APPEAL NO: 12A-UI-13699-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 10/14/12
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant appealed a department decision dated November 15, 2012, reference 01, that held he voluntarily quit without good cause attributable to the employer on October 19, 2012, and benefits are denied. A telephone hearing was held on December 18, 2012. The claimant participated. Stacey Navarro, HR representative and Cole Toovey, Assistant Manager, participated for the employer.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The employer is a temporary employment firm. The claimant has worked off and on for the employer for more than two years and he is aware of its policy to contact it within three-working days for work upon job completion.

Claimant worked as full-time general labor for the employer on an assignment at All State from February 22, 2012 to October 18. He completed the assignment. He accepted a one-day work assignment at Gilchrest Jewett for the following day and completed it.

Claimant contacted the employer about further work assignments while in the office getting his paycheck on October 19, and day-to-day thereafter. On October 26, he informed an employer representative while getting his paycheck that he had a new phone number and provided it in place of the other. He has performed additional work assignments for the employer since October 19 and is currently working for them.

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 administrative law judge concludes the claimant voluntarily left work with good cause attributable to the employer when he completed an assignment on October 19, 2012, and the employer had no further work assignment for him.

The claimant offered credible testimony about his work assignment completion with specific information on October 19. His credibility is bolstered by the fact he has worked multiple assignments for this employer for more than two years and is currently working for them. He contacted his employer in person about work when he got his paycheck on October 19 and thereafter. It appears the employer miss-placed his substituted phone number on October 26 that caused a communication issue that was eventually resolved when claimant accepted further work in November.

DECISION:

The department decision dated November 15, 2012, reference 01, is reversed. The claimant voluntarily left with good cause attributable to the employer on October 19, 2012. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/tll