

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LAMIRRIA A NEELY**

Claimant

**APPEAL 21A-UI-19103-S2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**

Employer

**OC: 06/06/21**

**Claimant: Respondent (2)**

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Iowa Code § 96.5(1) – Voluntary Quitting

Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment

Iowa Code § 96.5(2)a – Discharge for Misconduct

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

PL 116-136 – Federal Pandemic Emergency Unemployment Compensation

**STATEMENT OF THE CASE:**

The employer filed an appeal from the August 24, 2021, (reference 01) unemployment insurance decision that allowed benefits. The parties were properly notified of the hearing. A telephone hearing was held on October 20, 2021. Claimant Lamirria A. Neely did not register for the hearing and did not participate. Employer Team Staffing Solutions, Inc. participated through risk manager Sarah Fiedler. The administrative law judge took official notice of the administrative record.

**ISSUES:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

Did the claimant voluntarily quit by not reporting for an additional work assignment within three business days of the end of the last assignment?

Is the claimant eligible for Federal Pandemic Unemployment Compensation?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was a temporary employee of a temporary employment firm. Claimant began her employment on March 10, 2021. On March 10, 2021, she completed paperwork with the employer, including signing the employer's availability statement. A copy of this availability statement and the employer's policy were given to claimant.

Claimant received her job assignment from the employer to work full time at Winegard. This job assignment began March 15, 2021 and ended on June 3, 2021. The reason the job assignment ended was because the job was complete. After the assignment ended, claimant failed to report to the employer within three working days and request further assignment as required by written policy.

The administrative record reflects that the claimant has not received unemployment benefits since filing a claim with an effective date of June 6, 2021. The administrative record also establishes that the employer did not participate in the fact-finding interview because it did not receive notice of an interview or receive a cold call or questionnaire.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the separation was without good cause attributable to the employer. Benefits are denied.

Iowa Code § 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. (1) 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.

(2) 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.

(3) For the purposes of this paragraph:

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

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

Iowa Admin. Code r. 871-24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

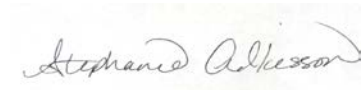
The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for work at the conclusion of each temporary assignment so they may be reassigned and continue working. The plain language of the statute allows benefits for a claimant “who notifies the temporary employment firm of completion of an assignment and who seeks reassignment.”

In this case, the claimant was given a copy of employer’s policy requiring her to request another assignment within three working days of the assignment ending. Claimant did not request another assignment within three working days of her assignment ending June 3, 2021. Therefore, she is considered to have quit the employment without good cause attributable to the employer. Benefits are denied.

Claimant’s separation was disqualifying; however, she has not claimed or received any unemployment insurance benefits. The issue of overpayment is moot. As employer’s account has not been subjected to any charges to date based on this separation, the issue of participation in the fact-finding interview is moot.

**DECISION:**

The August 24, 2021, (reference 01) unemployment insurance decision is reversed. The claimant's separation was without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. Claimant has not received any unemployment insurance benefits. The issues of overpayment and whether employer participated in the fact-finding interview are moot.



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Stephanie Adkisson  
Administrative Law Judge

October 28, 2021  
Decision Dated and Mailed

sa/scn