

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DONALD MARTIN
Claimant

APPEAL NO: 09A-UI-01211-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING
Employer

OC: 11-16-08 R: 03
Claimant: Appellant (1)

Section 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 21, 2009, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with L A Leasing without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a hearing was held on February 11, 2009. The claimant participated in the hearing. Colleen McGuinty, Unemployment Benefits Administrator and Anna Nielsen, Account Coordinator participated in the hearing on behalf of the employer. Employer's Exhibit One was admitted into evidence.

ISSUE:

The issue is whether the claimant failed to contact the temporary employment agency within three working days after the completion of his assignment when notified of this requirement at the time of hire.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a temporary laborer for L A Leasing from August 27, 2008 through November 3, 2008 when he walked off the assignment with Metokote after his first break. At the time of hire, he signed a notification document which advised him he was required to contact the employer within three working days of the completion of his assignment to provide his availability. The notification document is separate from the employment application and the employer prefers employees check in daily for work. The claimant next contacted the employer December 7, 2008, when he came in to pick up his paycheck. He was placed on another assignment November 20, 2008, with Whitaker Foods but stopped showing up for work November 25, 2008, and the employer has not heard from him since.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits.

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 evidence demonstrates the employer has complied with the requirements of Iowa Code section 96.5-1-j. The claimant knew or should have known he was required to contact the employer after an assignment ended to provide notice of his availability. He voluntarily ended his assignment November 3, 2008, when he walked off the job but did not contact the employer again until November 7, 2008, which is four days after he ended his assignment. The claimant is considered to have voluntarily quit his employment without good cause attributable to the employer and benefits are denied.

DECISION:

The unemployment insurance decision dated January 21, 2009, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Julie A. Elder
Administrative Law Judge

Decision Dated and Mailed

jae/css