IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

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

JASON UNGS
Claimant

APPEAL NO: 14A-UI-12101-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

**OC: 12/29/13
Claimant: Respondent (1)**

Iowa Code § 96.5(1)j – Voluntary Quit a Temporary Staffing Firm

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's November 18, 2014 determination (reference 02) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation was for nondisqualifying reasons. The claimant participated at the December 11 hearing. Chad Baker and Carrie Cannon appeared on the employer's behalf. During the hearing, Employer Exhibit One was offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes this employment separation does not disqualify the claimant from receiving benefits.

ISSUE:

Did the claimant voluntarily quit this employment for reasons that qualify him to receive benefits or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The employer assigned the claimant to a job at John Deere that started on October 17, 2011. In September 2014, John Deere informed the claimant his assignment was almost done. On September 6, 2014, the claimant contacted the employer's representative to let the employer know he needed another assignment in a few weeks. The claimant checked with the employer's representative again on September 22 to find out if the employer had another job to assign to him. There were no potential jobs lined up.

The claimant completed the job assignment at John Deere on October 16, 2014. Even though the employer requires employees to contact the employer within three days of completing an assignment, (Employer Exhibit One), the claimant did not because he already had interviews with other employers scheduled. The claimant had an interview on Tuesday, October 21, that resulted in accepting a job offer. The claimant started working on November 2, 2014.

The claimant reopened his claim for benefits during the week of October 19, 2014. The claimant has not filed any weekly claims.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code § 96.5(1), (2)a. The employer did not discharge the claimant. Instead, the claimant completed a job assignment.

A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if he does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if he fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j. A claimant is eligible if he had good cause for not contacting the employer within three days. Good cause is a substantial and justifiable reason for not notifying the employer. 871 IAC 24.26(15). In this case, the claimant did not contact the employer because he already had interviews lined up with other employers. Another employer hired the claimant to start a new job on November 2, 2014. Under these facts, the claimant's employment separation does not disqualify him from receiving benefits.

DECISION:

The representative's November 18, 2014 determination (reference 02) is affirmed. The claimant's employment separation does not disqualify him from receiving benefits. As of October 19, 2014, the claimant is qualified to receive benefits.

_____
Debra L. Wise
Administrative Law Judge

_____
Decision Dated and Mailed

dlw/pjs