

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALFONSO DENG
Claimant

APPEAL NO: 11A-UI-13271-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 10/17/10
Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Alfonso Deng (claimant) appealed an unemployment insurance decision dated September 30, 2011, reference 07, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Advance Services, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 22, 2011. The claimant participated in the hearing. The employer participated through Holly Carter, Unemployment Specialist. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant is disqualified for failure to contact the temporary employment agency within three working days after the completion of his assignment to request additional work, when and if, 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 full-time, temporary laborer from October 20, 2010 through September 1, 2011. At the time of hire, he signed an availability statement which advised him of the requirement to check in for additional work after the completion of an assignment. The employer requires employees to check in within three working days after an assignment ends to provide the employer notification of the claimant's availability and failure to do so would be considered as a voluntary quit. The claimant was given a copy of the availability statement, which is not part of the application or contract of employment.

The claimant was last assigned to Pella and the assignment was scheduled to end on September 2, 2011. He came in on September 1, 2011 and ended his own assignment by turning in his badge. The claimant reported that his wife was having medical complication and had to go to the hospital. He did not check back in for additional work by September 7, 2011

and was considered to have voluntarily quit. The claimant retrieved his last paycheck on September 9, 2011 and asked for additional work at that time.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. The employer herein is a temporary employment agency and temporary employment agencies are governed by Iowa Code § 96.5-1-j, which places specific requirements on both the employer and the employee with regard to qualification for unemployment insurance benefits after a voluntary separation.

The employer has the obligation to draft a policy that complies with the requirements of the statute. The employer must advise the employee in writing of the three-day notification rule. The employer must also notify the employee that he may be disqualified from receiving unemployment insurance benefits if he fails to contact the employer and request additional work. Iowa Code § 96.5-1-j. The employer's notification policy complies with the state law.

The claimant has an obligation to actually make contact with the employer within three days after the end of an assignment to let the employer know, not only that the assignment has ended, but also to indicate that he desires a further assignment. Even if the employer is aware the assignment has ended, that does not relieve the employee from indicating he is available to work and from requesting additional work. In the case herein, the claimant did not request additional work within the required three days after he left his assignment. Consequently, he did not satisfy the requirements of Iowa Code § 96.5-1-j and is disqualified from receiving unemployment insurance benefits as of September 10, 2011.

DECISION:

The unemployment insurance decision dated September 30, 2011, reference 07, 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.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs