

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**TINA STEELE**  
Claimant

**ADVANCE SERVICES INC**  
Employer

**APPEAL NO. 14A-UI-04239-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/30/14**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1-j - Voluntary Quit of Temporary Employment

**STATEMENT OF THE CASE:**

Tina Steele (claimant) appealed an unemployment insurance decision dated April 21, 2014, (reference 01), which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her 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 May 12, 2014. The claimant participated in the hearing with Attorney Robert Breckenridge. The employer participated through Steve Volle, Risk Manager and Steffi Gursky, Office Manager. Employer's Exhibits One and Two were admitted into evidence.

**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 her assignment, 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 employer is a temporary employment agency and the claimant was hired on September 20, 2013. At the time of hire, she signed an End of Assignment Policy which advised her of the requirement to request 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 End of Assignment Policy, which is not part of the application or contract of employment.

The claimant had three different assignments at Pioneer and her last assignment began on November 4, 2013. Office Manager Steffi Gursky contacted the claimant on March 26, 2014, to advise her that her assignment was over and she did not need to report to work that evening. The claimant became angry with Ms. Gursky because she had heard gossip that the employer was going to try to deny employees' unemployment benefits. She admitted she told Ms. Gursky that, "This is fucking bullshit" and "This is bullshit!" Ms. Gursky testified the claimant did not

request additional work in that conversation, nor did she call in within the next three work days. The claimant did contact the employer on April 4, 2014, to request a copy of her paystub.

The claimant testified that she never speaks to anyone when she calls in to request additional work but is required to leave a message on voice mail. The employer witnesses testified that this is not accurate and employees are required to call and speak directly to Ms. Gursky to request work. The claimant testified that when Ms. Gursky called her to tell her that the assignment was over, she told Ms. Gursky, "I'm going to call my unemployment in and she said okay." The claimant was questioned numerous times during the hearing why she did not ask Ms. Gursky for additional work when speaking with her and she repeatedly responded, "Because I'm supposed to call in for additional work and I did what I was supposed to do." The employer asked the claimant on cross-examination if she had proof she called in and she said she did not. The claimant was considered to have voluntarily quit effective March 31, 2014.

#### **REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1. The employer herein is a temporary employment agency and temporary employment agencies are governed by Iowa Code §96.5-1-j, which places specific restrictions on both the employer and the employee with regard to unemployment insurance benefits.

To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and the employer did so in this case. The employer must also notify the individual that she may be disqualified from receiving unemployment insurance benefits if she fails to contact the employer to request additional work Iowa Code § 96.5-1-j. The claimant was given a copy of the End of Assignment Policy, which advised her that failure to contact the employer after the end of an assignment to request additional work could result in a loss of unemployment benefits.

The claimant knew she was required to request additional work after the end of an assignment. She admitted she spoke with the employer on the day her assignment ended but did not request additional work in that conversation. She also admitted she told the employer she was calling in her unemployment. The claimant contends she called the employer's office after that conversation and left a message on the employer's voice mail claiming she wanted another assignment. The employer has no record of such a call and the claimant cannot offer any proof that she made the call. If she wanted to work and was available for another assignment, it seems strange that she would not have made that clear to the employer when she was speaking with her. The claimant has not established she complied with the requirements of Iowa Code § 96.5-1-j, and has not provided good cause for her failure to do so. Benefits are therefore denied.

**DECISION:**

The unemployment insurance decision dated April 21, 2014, (reference 01), is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs