

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VICTOR SALDANA
Claimant

APPEAL NO. 12A-UI-13537-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES
Employer

OC: 10/07/12
Claimant: Appellant (1)

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The claimant, Victor Saldana, filed an appeal from a decision dated November 2, 2012, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on December 13, 2012. The claimant participated on his own behalf and with Marco Saldana. The employer, Advance Services, participated by Loss Preventive Specialist Michael Payne. Exhibit One was admitted into the record.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Victor Saldana was employed by Advance Services from August 12, 2012 until October 7, 2012. His last assignment was at Syngenta as agricultural labor. That assignment ended October 4, 2012. Mr. Saldana asked the on-site supervisor, Norma Martinez, if there was any more work and she said no.

The claimant's supervisor at Advance Services was Mary Longbine but he did not contact her to ask for more work from another of the employer's clients. Instead, the claimant, his brothers and father returned to Texas.

REASONING AND CONCLUSIONS OF LAW:

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 claimant did not contact the temporary agency to ask for more work within three working days of the end of his last assignment. The on-site supervisor could only speak to whether there was more work a Syngenta, not any of the other clients of the agency. Mr. Saldana had signed, and received a copy of, the job assignment sheet which very specifically told him who his supervisor was and her phone number.

Under the provisions of the above Code section, failure to notify the temporary agency within three working days of the end of each assignment to request more work is a voluntary quit without good cause attributable to the employer. The claimant is disqualified.

DECISION:

The representative's decision of November 2, 2012, reference 01, is affirmed. Victor Saldana is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount in insured work, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css