

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DONALD MARTIN**  
Claimant

**APPEAL NO: 11A-UI-09153-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LABOR RAEDY MIDWEST**  
Employer

**OC: 05/22/11  
Claimant: Respondent (1/R)**

Iowa Code § 96.5(1)j – Voluntary Quit Temporary Employment

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's June 29, 2011 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment ended for nondisqualifying reasons. The claimant did not respond to the hearing notice or participate in the hearing. Becky Redfearn, a customer service representative, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

**ISSUE:**

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

**FINDINGS OF FACT:**

The employer is a temporary employment firm. The claimant registered to work for the employer in 2003. Most recently the claimant accepted one-day assignments on May 18 and 20. He completed both assignments. The claimant stopped at the employer's office on May 23 and 24 for work, but the employer did not have any work for him.

The claimant established a claim for benefits during the week of May 22, 2011.

**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. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual 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 the individual in writing of the three-day notification rule and that the

individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5(1)j.

The facts establish that after the claimant finished the last one-day assignment on May 20, he stopped at the employer's office about another assignment on May 23 and 24. The claimant became unemployed as of May 20 for reasons that do not disqualify him from receiving benefits. Therefore, he is eligible to receive benefits as of May 22.

During the hearing, the employer presented information that after May 22, the claimant declined offers of work the employer contacted him about. Since refusing an offer of suitable work was not an issue at this hearing, this issue will be remanded to the Claims Section to investigate and determine.

**DECISION:**

The representative's June 29, 2011 determination (reference 01) is affirmed. Based on the reasons for his employment separation from a May 20 job assignment, the claimant is qualified to receive benefits as of May 22, 2011, provided he meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant. An issue of whether the claimant refused the employer's offer of work after May 22, 2011, is **Remanded** to the Claims Section to investigate and determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css