

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT H MILES
Claimant

APPEAL NO: 13A-UI-01915-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

AVENTURE STAFFING & PROFESSIONAL
Employer

**OC: 12/23/12
Claimant: Appellant (2)**

Section 96.5-1-j – Job Completion

STATEMENT OF THE CASE:

The claimant appealed a department decision dated February 11, 2013, reference 04, that held he voluntarily quit employment without good cause on September 9, 2012, and benefits are denied. A telephone hearing was held on March 14, 2013. The claimant participated. Kayla Neuhalfen, HR representative, and Kelsey Spaur, Co-Manager, participated for the employer. Employer Exhibit 1 was received as evidence.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant worked for the employer on a series of assignments from February 17, 2012 through September 8. The employer did not offer claimant any further assignment until September 25. Claimant had worked at CHS and it asked the employer for some workers.

An employer representative communicated with claimant it had a temp work assignment at CHS beginning September 26. The claimant did not work the assignment because he had moved to Massachusetts.

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 administrative law judge concludes that the claimant voluntarily quit employment with good cause attributable to the employer on September 9, 2012 when he completed his final job assignment and no work was offered to him within three working days.

Claimant was an employee in good standing when he completed his last job assignment on September 8. This conclusion is substantiated by the employer offer of a further work assignment on September 25. If the employer had an issue with claimant not contacting it about further work then it would not have offered a further assignment.

The employment separation is claimant's work assignment completion on September 8 coupled with the employer failing to offer him further work within three working days. If claimant would have declined work within this period due to moving, then it could be considered the moving cause for quitting and not a good cause attributable to the employer. Claimant did not move until the time the employer offered him an assignment on September 25. Claimant is not obligated to give the employer an extended period of time to offer further work assignments before moving out of state.

DECISION:

The department decision dated February 11, 2013, reference 04, is reversed. The claimant voluntarily quit with good cause attributable to the employer on September 8, 2012. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css