

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHANTEL A KALDAHL**  
Claimant

**APPEAL NO. 12A-UI-12928-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 07/29/12**  
**Claimant: Appellant (2)**

Section 96.5-1-g – Temporary Employment

**STATEMENT OF THE CASE:**

Chantel A. Kaldahl filed a timely appeal from an unemployment insurance decision dated October 19, 2012, reference 05, that disqualified her for benefits. After due notice was issued, a telephone hearing was held November 26, 2012 with Ms. Kaldahl participating. Loss Prevention Specialist Michael Payne participated for the employer, Advance Services, Inc. Claimant Exhibit A and Employer Exhibits One and Two were admitted into evidence.

**ISSUE:**

Was the claimant's separation from employment a disqualifying event?

**FINDINGS OF FACT:**

Chantel A. Kaldahl, an employee of Advance Services, Inc., a temporary employment agency, worked on assignment at Pioneer Hybrid from August 14, 2012 through Wednesday, September 26, 2012. On Friday, September 28, 2012 Ms. Kaldahl went to the employer's office to inquire about additional work. None was immediately available. She contacted the company again on October 5, 2012. Her assignment inquiry on September 28, 2012 was not documented.

**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 essential fact in controversy is whether Ms. Kaldahl first sought reassignment on September 28, 2012 or on October 5, 2012. Ms. Kaldahl testified from personal knowledge. Mr. Payne relied upon company documents. He does not work at the office Ms. Kaldahl contacted and did not offer testimony by anyone from that office. The administrative law judge finds Ms. Kaldahl's testimony to be plausible and consistent with the actions of one who wished to maintain an employment relationship. The administrative law judge concludes that the claimant has met her burden of establishing that she contacted the temporary employer within three working days after the end of her last assignment. No disqualification shall be imposed.

#### **DECISION:**

The unemployment insurance decision dated October 19, 2012, reference 05, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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