

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CODY E CALDWELL
Claimant

APPEAL NO: 10A-UI-06183-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

STAFFING PROFESSIONALS LLC
Employer

OC: 03/07/10
Claimant: Appellant (1/R)

Section 96.5-1-j – Voluntary Quit Temporary Employment Firm

STATEMENT OF THE CASE:

The claimant appealed a representative's April 15, 2010 decision (reference 03) that disqualified him from receiving benefits and held the employer's account exempt from charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. A telephone hearing was held on May 20, 2010. The claimant did not respond to the hearing notice or participate in the hearing. Shane Sorensen, the operations manager, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

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

FINDINGS OF FACT:

The employer is a temporary employment firm. The employer registered to work for the employer's clients. When the claimant applied to work for the employer, he completed an application that informed him he was required to contact the employer within three days of completing a job assignment or he could be denied unemployment insurance benefits. The employer assigned the claimant to work at Osceola Foods, a client. The claimant started working at this assignment on September 28, 2009.

Osceola Foods informed the claimant on March 4, 2010, that this would be his last day of work. Osceola Foods also contacted the employer that same day and notified the employer that the client no longer wanted the claimant working at Osceola Foods because his work was not satisfactory. The claimant did not contact the employer anytime after March 4, 2010, for another job assignment.

The claimant established a claim for benefits during the week of March 7, 2010. The claimant has filed for and received benefits since March 7, 2010.

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 employer satisfied the requirements of Iowa Code § 96.5-1-j. The claimant received in writing information that when he completed a job assignment he was required to contact the employer within three days for another assignment. The claimant did not do this. The claimant's failure to timely contact the employer for another job assignment amounts to voluntarily quitting his employment for reasons that do not qualify him to receive benefits. As of March 7, 2010, the claimant is not qualified to receive benefits.

DECISION:

The representative's April 15, 2010 decision (reference 03) is affirmed. The claimant voluntarily quit his employment when he failed to contact the employer for another job assignment. The claimant is disqualified from receiving unemployment insurance benefits as of March 7, 2010. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged. An issue of overpayment is Remanded to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css