

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

JONATHAN L DARGITZ

Claimant,

and

L A LEASING INC

Employer.

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HEARING NUMBER: 14B-UI-07018

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-1-J, 96.5-2-A

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. A majority of the Appeal Board, one member dissenting, finds it cannot affirm the administrative law judge's decision. The Employment Appeal Board **REVERSES** as set forth below.

FINDINGS OF FACT:

The Employment Appeal Board would adopt and incorporate as its own the administrative law judge's Findings of Fact with the following modifications:

The on-site coordinator, James Cole, told the Claimant his assignment ended. (7:33-7:42; 21:31-21:43; 23:09) Even though Mr. Cole is employed by LA Leasing (Sedona Group), he only has knowledge about assignments at Rock Tenn, and has nothing to do with assignments outside of that location. (8:10-8:30) The Claimant was not terminated from Sedona. (20:54-21:11)

Dargitz never contacted LA Leasing about further assignments. (8:54-9:08; 22:15)

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits: *Voluntary Quitting*. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

j. The individual is a temporary employee of 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.

Evidence supports that the Claimant had knowledge that he was to contact Sedona Staffing whenever an assignment ended. (9:25-9:45, Exhibit 1) When Cole informed him that his assignment terminated on May 14th, the Claimant failed to contact the Employer within three days as required by the notification agreement he signed at the start of his employment. (Exhibit 1) The Claimant's argument that he was told he could never work at Rock Tenn was true. However, he had an obligation to report to his Employer. Based on this record, we conclude that the Claimant's failure to contact the Employer resulted in his separation being considered a quit within the meaning of the aforementioned statute.

DECISION:

The administrative law judge's decision dated July 31, 2014 is **REVERSED**. The Claimant voluntarily quit his employment without good cause attributable to the Employer. Accordingly, the Claimant is denied benefits until such time he has worked in and was paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. See, Iowa Code section 96.5(1)"g".

Kim D. Schmett

John M. Priestner

DISSENTING OPINION OF ASHLEY R. KOOPMANS:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would affirm the administrative law judge's decision in its entirety.

AMG/fnv

Ashley R. Koopmans