

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HIRAM A SERRANO
Claimant

APPEAL NO. 13A-UI-14136-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 02/03/13
Claimant: Appellant (2)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated December 16, 2013, reference 04, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on January 16, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Michael Payne participated in the hearing on behalf of the employer.

ISSUES:

Did the claimant voluntarily quit employment without good cause attributable to the employer?
Did the claimant contact the employer within three days after completion of his work assignment to seek another assignment?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked on an assignment at Syngenta from September 6, 2013, to November 19, 2013. When the claimant was hired, he was given a statement to read and sign that said he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment. The on-site representative for the employer at the Syngenta plant was Mindy Taylor.

The claimant was informed by supervisors at Syngenta that he had completed his temporary work assignment on November 15. He was, however, called back to work the following week and worked on November 18 and 19. He reported to the plant on November 21, 2013, to pick up his check and asked Taylor if the employer had any other work for him. She told him there was no work available.

The claimant filed a new claim for unemployment insurance benefits with an effective date of February 3, 2013. The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a.

Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing of the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. The claimant testified very credibly that he contact Mindy Taylor within three days after completing his work assignment at Syngenta and asked if the employer had any more work for him. He is not subject to disqualification under Iowa Code § 96.5-1-j.

On the other hand, a claimant whose separation is a layoff is qualified to receive benefits. The rules define a layoff as “a suspension from pay status initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover, termination of seasonal or temporary employment, inventory-taking, introduction of laborsaving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.” 871 IAC 24.1(113)a. The claimant was laid off after November 19. He is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim. If the employer becomes a base period employer in a future benefit year, its account may be chargeable for benefits paid to the claimant based on this separation from employment.

DECISION:

The unemployment insurance decision dated December 16, 2013, reference 04, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css