

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAMON C PANKEY**

Claimant

**APPEAL NO. 11A-UI-06036-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MASTERSON PERSONNEL INC**

Employer

**OC: 10/17/10**

**Claimant: Respondent (2/R)**

Iowa Code § 96.5(1)j – Voluntary Quit a Temporary Employment Firm

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's April 28, 2011 determination (reference 04) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant was laid off from his employment. The claimant responded to the hearing notice, but was not available for the hearing. The claimant did not participate in the hearing. Jim Robertson appeared on the employer's behalf. During the hearing, Employer Exhibits One and Two were offered and admitted as evidence. Based on the evidence, the arguments of the employer, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the employer discharge the claimant for reasons constituting work-connected misconduct, or did the claimant voluntarily quit his employment?

**FINDINGS OF FACT:**

The employer is a temporary staffing agency. The claimant registered to work for the employer in early November 2010. When the claimant registered, he received information that after he completed an assignment, he was required to request from the employer a new assignment within three working days; and if he did not, this could adversely affect his receipt of unemployment insurance benefits. The employer gave the claimant a copy of the obligation to seek reassignment policy. (Employer Exhibit Two.)

The employer assigned the claimant to a job on November 8, 2010. He completed this job on January 5, 2011. Even though the claimant did not ask about another job assignment, the client asked that the claimant return to work at the client's business on January 15, 2011. The claimant then worked at this assignment until April 1, 2011.

On March 29, the client told the claimant and the employer there was no more work for the claimant to do after April 1, 2011. Although the employer has other clients who request temporary employees, the claimant did not ask the employer for another job assignment. (Employer Exhibit One.)

The claimant reopened his claim for benefits during the week of April 3, 2011.

**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 facts establish the claimant successfully completed a job assignment on April 1, 2011. When he registered to work for the employer in early November 2010, he received information that he was required to ask about another assignment when he completed a job assignment. Since the claimant completed an assignment on April 1, he was obligated to ask the employer on or before April 6 if they had another job to assign him and did not. He is not qualified to receive benefits. If the claimant had asked about another job assignment, the employer may have had another job to assign him to since the employer has more than one client. For unemployment insurance, when claimant did not request another job assignment, he is considered to have voluntarily quit this employment. Therefore, he is not qualified to receive benefits as of April 3, 2011.

An issue of overpayment or whether the claimant is eligible for a waiver of any overpayment will be remanded to the Claims Section to determine.

**DECISION:**

The representative's April 28, 2011 determination (reference 04) is reversed. The claimant voluntarily quit his employment without good cause by failing to ask for another assignment on or before April 6, 2011. Therefore, as of April 3, 2011, the claimant is not qualified to receive benefits. 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 or whether the claimant is not eligible for a waiver of any overpayment is **Remanded** to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw