

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMIE R SCHROEDER
Claimant

APPEAL NO. 13A-UI-04226-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 11/18/12
Claimant: Respondent (1)

Section 96.5-1-j – Separation from Temporary Employment Firm

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated March 28, 2013, reference 02, that concluded the claimant completed his temporary work assignment and contacted the employer for further assignments. A telephone hearing was held on May 15, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Colleen McGuinty participated in the hearing on behalf of the employer with a witness, Carrie Cannon.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant has worked for the employer off and on since February 2010. He started his last assignment working at Klauer Manufacturing on August 13, 2012. 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 claimant finished his assignment with Klauer Manufacturing on November 21, 2012, and received a letter from Klauer stating his assignment ended. The claimant contacted a representative with the employer the same day and asked for another assignment but no work was available for the claimant at that time.

The claimant filed a new claim for unemployment insurance benefits effective November 18, 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 credibly that he had contacted the employer when his assignment was completed.

The employer had raised an issue not noticed on the hearing notice about the claimant being offered another job before his assignment at Klauer Manufacturing ended. If the employer wishes to pursue this issue, it should protest the claimant on this basis.

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 March 28, 2013, reference 02, is affirmed. 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/tll