

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SCOTT K FARBER**  
Claimant

**APPEAL NO. 11A-UI-10340-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RIVERSIDE STAFFING SERVICES INC**  
Employer

**OC: 06/12/11  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative's decision dated July 29, 2011, reference 01, which denied unemployment insurance benefits. After due notice, a telephone hearing was held on August 30, 2011 at which claimant participated personally. Participating for the employer was Ms. Karrie Minch, Senior Staffing Consultant.

**ISSUE:**

The issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered all of the evidence in the record, the administrative law judge finds: Scott Farber began employment with Riverside Staffing Services, Inc. on June 9, 2010. Mr. Farber began a temporary assignment on June 16, 2011. The assignment with Crescent Laundry Company was to continue through June 21, 2011. On June 20, 2011, Mr. Farber left the assignment due to "chest pains" and was hospitalized. The claimant was released from the hospital the following day, June 21, 2011. Mr. Farber did not contact Riverside Staffing Services, Inc. until approximately five weeks later on July 29, 2011 to indicate his availability for work. Approximately one month later on August 23, 2011, Mr. Farber began a new assignment through Riverside Staffing Services, Inc.

At the time of hire, Mr. Farber and other temporary employees are given notice that they must contact the temporary agency employer to inform the temporary agency employer of their availability for work at the conclusion of each temporary assignment so they may be re-assigned and continue working. The notice provided to temporary employees informs them that failure to do so will be considered to be a voluntary quit and may affect their unemployment insurance benefits.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily left employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

Iowa Code § 96.5-1-j provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department, but the individual shall not be disqualified if the department finds that:

j. The individual is a temporary employee of a 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.

For the purposes of this paragraph:

(1) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their work force during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(2) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

In this case Mr. Farber left a temporary assignment due to a medical condition that was not work related. The claimant did not file a workmen's compensation claim and did not allege that his chest pains were caused by his work. Mr. Farber did not contact the temporary agency employer within three days of the assignment ending to inform the temporary agency employer

of his availability. Mr. Farber did not re-contact the temporary agency employer until approximately five weeks later to indicate that he was available for work and looking for assignments.

The purpose of the statute regarding notice to the temporary agency employer of the claimant's availability within three days is to provide to the temporary agency employer notice that the claimant is available for work so they may be re-assigned and continue working. In this case the claimant gave the employer no notice of his availability until a substantial period of time later, therefore, he is considered to have quit the employment even though the claimant may have returned to work for the temporary agency employer at some later date. Benefits are denied.

**DECISION:**

The representative's decision dated July 29, 2011, reference 01, is affirmed. The claimant quit employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, and he is otherwise eligible.

---

Terence P. Nice  
Administrative Law Judge

---

Decision Dated and Mailed

pjs/pjs