

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MATTHEW BEANE
Claimant

KELLY SERVICES INC
Employer

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

**APPEAL NO: 06A-UI-08450-BT
ADMINISTRATIVE LAW JUDGE
NUNC PRO TUNC DECISION**

**OC: 05/28/06 R: 02
Claimant: Respondent (4)**

Section 96.5-1-j - Voluntary Quit of Temporary Employment
Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Kelly Services, Inc. (employer) appealed an unemployment insurance decision dated August 21, 2006, reference 01, which held that Matthew Beane (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 11, 2006. The claimant participated in the hearing. The employer participated through Alissa Finch, Staffing Supervisor. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed intermittently with this temporary employment agency as a clerical and data entry worker from January 30, 2004 through September 11, 2006 (*corrected typographical error of November 11, 2006*). He completed an assignment on July 21, 2006 and checked in for additional work but none was available. The claimant started a new assignment on September 7, 2006 (*corrected typographical error of November 7, 2006*) but called the employer early this morning, September 11, 2006 (*corrected typographical error of November 11, 2006*), and voluntarily quit his employment.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the

employer or if the employer discharged him for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-a. The case herein includes two separation dates.

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 ending a 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. The employer must also notify the individual that he may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5-1-j. At the conclusion of the claimant's assignment on July 21, 2006, he did seek additional work but none was available until September 7, 2006 when he began a new assignment. He therefore qualifies for benefits from July 21, 2006 through September 6, 2006, provided he is otherwise eligible.

The claimant worked two days and called the employer this morning, September 11 (*corrected typographical error of November 11, 2006*), and voluntarily quit his employment. It is his burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He quit his job to pursue other employment. The claimant has not satisfied his burden and benefits are denied as of week ending September 16, 2006.

DECISION:

The unemployment insurance decision dated August 21, 2006, reference 01, is modified in favor of the appellant. The claimant qualifies for benefits beginning July 29, 2006 through September 9, 2006, provided he is otherwise eligible. Benefits are denied as of September 16, 2006 because he quit without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs/cs