

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**OCTAVIA POWELL**  
Claimant

**APPEAL NO. 12A-UI-14251-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DES STAFFING SERVICES INC**  
Employer

**OC: 10/14/12**  
**Claimant: Respondent (2)**

Section 96.5(1)j – Quit/Temporary

**STATEMENT OF THE CASE:**

The employer, DES Staffing, filed an appeal from a decision dated November 29, 2012, reference 02. The decision allowed benefits to the claimant, Octavia Powell. After due notice was issued, a hearing was held by telephone conference call on January 7, 2013. The claimant did not provide a telephone number where she could be contacted and did not participate. The employer participated by Human Resources Coordinator Stacy Navarro.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Octavia Powell was employed by DES from September 14 until 19, 2012. She was assigned indefinitely to TLC but only worked two days, September 14 and 15, 2012. The employer was not certain how the assignment ended but Ms. Powell did not contact DES within three working days of September 15, 2012. She was notified of the necessity to do so in writing at the time of hire.

Octavia Powell filed a claim for unemployment benefits with an effective date of October 14, 2012. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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.

The claimant is considered a voluntary quit by operation of law by failing to contact the temporary agency within three working days of the end of the assignment. Under the provisions of the above Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

**DECISION:**

The representative's decision of November 29, 2012, reference 02, is reversed. Octavia Powell is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

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Bonny G. Hendricksmeyer  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css