

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NABINTU F ELODIE**  
Claimant

**APPEAL NO. 06A-UI-11154-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SPHERION ATLANTIC WORKFORCE LLC**  
Employer

**OC: 01/29/06 R: 3  
Claimant: Appellant (2)**

Section 96.5(1)j – Quit /Temporary

**STATEMENT OF THE CASE:**

The claimant, Nabintu Elodie, filed an appeal from a decision dated November 6, 2006, reference 08. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on December 20, 2006. The claimant participated on her own behalf and Bryce Sitter acted as interpreter. The employer, Spherion Atlantic Workforce LLC (Spherion), participated by Office Manager Mike German.

**ISSUE:**

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

**FINDINGS OF FACT:**

Nabintu Elodie began working for Spherion on April 15, 2004. Her last assignment began on September 7, 2006, at Alpla in Iowa City, Iowa. It was a temp-to-hire position.

On October 16, 2006, Office Manager Mike German received an e-mail from Alpla asking that the claimant be removed from the assignment because she was “argumentative.” When he informed her of this the claimant asked for another assignment and he said he would let her know when anything became available. Nothing became available and she has not been offered any other assignments.

**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 had been removed from the assignment at the request of the client company. The record does not establish any misconduct. After the assignment ended she did request more work but none was available. Under the provisions of the above Administrative Code section, the claimant was not a voluntary quit and disqualification may not be imposed.

**DECISION:**

The representative's decision of November 6, 2006, reference 08, is reversed. Nabintu Elodie is qualified for benefits, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css