

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

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Appeal Number: 06A-UI-04062-SWT
OC: 03/05/06 R: 04
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

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

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 5, 2006, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on May 1, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Jenny McNeil participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer on an assignment at Silgan Container from March 7, 2005, to March 7, 2006. Her rate of pay was \$10.00 per hour. When the claimant was hired, she signed a statement that she would be considered to have voluntarily

quit employment if she did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

On March 8, 2006, an account manager with the employer called the claimant and told her that her assignment at Silgan Container would be ending after March 11. On March 10, 2006, an account manager contacted the claimant about a job opening at Wolf Packaging that would have had the same hours at Silgan but her pay, would have been 8.25 per hour. The job would have started the next week. The claimant told the account executive that she had several court appearance in April stemming from an operating a vehicle while intoxicated offense and did not feel she could take a job with a set schedule. The claimant asked whether she had to come in to the employer's place of business that next week to sign up for another assignment. The account manager told her that she would need to do that under the employer's policies. At that point, the claimant informed the account manager that she was no longer interested in working for the employer. When the account manager asked the claimant if she was quitting, the claimant responded that she was and would find work on her own. The claimant was absent from work on March 10 and 11. She did not contact the employer within three days following the end of her assignment to seek a new assignment.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

Based on the law, the claimant is considered to have voluntarily quit employment without good cause attributable to the employer since she did not contact the employer within three days after her assignment ended to seek a new assignment. In fact, she informed the employer that she did not want any further assignment from the employer. The reason for not accepting a job in March because you might have missed work in April due to court appearances does not provide good cause for leaving employment.

DECISION:

The unemployment insurance decision dated April 5, 2006, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

saw/tjc