

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BENJAMIN CISNEROS MEZA
Claimant

APPEAL NO: 15A-UI-01129-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AVENTURE STAFFING & PROFESSIONAL
Employer

OC: 01/04/15
Claimant: Appellant (2)

Iowa Code 96.5(1)j – Voluntary Quit Temporary Employment Firm

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's January 21, 2015 (reference 01) determination that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit by failing to make a timely request for another job assignment. The claimant participated at the February 23 hearing. Cyd Hall, the office manager, appeared on the employer's behalf. Olga Esparza interpreted the hearing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The employer is a temporary staffing firm. The claimant registered to work for the employer's clients in 2014. When the claimant registered to work, and was assigned to work at Monsanto on September 20, 2014, he received paperwork informing him he was required to contact the employer for another job assignment within three days of completing assignments. If the claimant did not do this, he could be considered to have voluntarily quit working for the employer.

The claimant started an assignment for the employer's client, Monsanto, on September 20, 2014. He completed this assignment on October 2, 2014. Monsanto personnel informed the claimant he had completed the assignment.

When the assignment at Monsanto ended on October 2, the claimant did not contact the employer because he had already been told they did not have any other work to assign him. In previous years, the employer had assigned the claimant to work at Belle Plaine Nursery after working at Monsanto. The claimant personally contacted Belle Plaine Nursery to find out if this employer had any work. Belle Plaine Nursery hired the claimant to work. He started working on October 24 for this employer.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if he does not notify the temporary employment firm within three working days after completing the 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 in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if he fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

If a claimant has good cause for failing to notify the temporary employment firm within three days for another job assignment, a claimant will be may be qualified to receive benefits. 871 IAC 24.26(15)c.

The facts establish the claimant knew and understood the employer required him to contact the employer when a job assignment ended. The claimant had contacted the employer before about another job assignment. When the Monsanto job ended on October 2, 2014, the claimant understood the employer did not have another job to assign to him. The claimant wanted to work and personally contacted Belle Plaine Nursery about a job because he had worked for this employer before. The claimant started working on October 24, 2014 at Belle Plaine Nursery. Based on the facts in this case, the claimant established good cause for failing to contact the employer for another job assignment. Since he completed the Monsanto job assignment and obtained another job, the claimant is qualified to receive benefits as of January 4, 2015.

DECISION:

The representative's January 21, 2015 (reference 01) determination is reversed. The claimant completed a job assignment and established good cause for failing to contact the employer about another assignment. As of January 4, 2015 the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account may be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/can