

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIAN WILD
Claimant

APPEAL NO: 14A-UI-00994-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC
Employer

OC: 12/15/13
Claimant: Appellant (1)

Iowa Code § 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

Brian Wild (claimant) appealed an unemployment insurance decision dated January 16, 2014, reference 03, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with QPS Employment Group, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 18, 2014. The claimant participated in the hearing. The employer participated through Rhonda Hefter de Santisteban, Human Resources Supervisor; John Lampe, Corporate Trainer; and Betsy Hansen, Placement Coordinator. Employer's Exhibit One was admitted into evidence.

ISSUE:

The issue is whether the claimant is disqualified for failure to contact the temporary employment agency within three working days after the completion of his assignment, when and if notified of this requirement at the time of hire.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment agency and the claimant was hired on July 16, 2012. At the time of hire, he signed a three-day reassignment policy which advised him of the requirement to check in for additional work after the completion of an assignment. The employer requires employees to check in within three working days after an assignment ends to provide the employer notification of the claimant's availability and failure to do so would be considered as a voluntary quit. The claimant was given a copy of the three-day reassignment policy, which is not part of the application or contract of employment.

The claimant's last assignment ended on December 17, 2013. He did not check in with the employer for additional assignments. The employer has call logs of every call that came in from December 17, 2013, through December 20, 2013, and the claimant's telephone numbers were not on the call log. Additionally, when an individual calls in for an assignment, notes are taken from the call and placed on the computer system. There were no notes on the computer system from the claimant. The claimant was considered to have voluntarily quit effective December 20, 2013.

The claimant admitted he was aware he needed to call the employer within three working days after the completion of an assignment. He contends that he called the employer on December 17, 2013, at approximately 9:00 a.m. but testified that he spoke with an answering service. He has no record of the call and does not remember the name of the person with whom he spoke. The Call Center Manager testified the Call Center phones are answered from 7:00 a.m. to 7:00 p.m. The claimant admitted he did not call the employer after that date but waited for the employer to contact him. When the employer failed to contact him, he assumed the employer did not want to place him in another assignment.

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. Iowa Code § 96.5-1. The employer herein is a temporary employment agency and temporary employment agencies are governed by Iowa Code §96.5-1-j, which places specific restrictions on both the employer and the employee with regard to unemployment insurance benefits.

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 and the employer did so in this case. 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. The claimant was given a copy of the three-day reassignment policy which advised him that failure to contact the employer after the end of an assignment within three working days could result in a loss of unemployment benefits.

The claimant admitted he knew he was required to contact the employer within three days after the completion of his assignment so the employer knew whether he was available for additional assignments. His contention that he called the employer on December 17, 2013, is not supported by the evidence. The claimant has not complied with the statutory requirements of Iowa Code §96.5-1-j. Benefits are therefore denied.

DECISION:

The unemployment insurance decision dated January 16, 2014, reference 03, is affirmed. The claimant voluntarily left work 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 her weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs