

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALVARO DAVILA**  
Claimant

**APPEAL NO. 09A-UI-00480-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DOBBS TEMPORARY SERVICES INC  
PRO STAFF – DES MOINES**  
Employer

**OC: 11/02/08 R: 02  
Claimant: Respondent (1)**

Section 96.5(1)j – Quit/Temporary Employment

**STATEMENT OF THE CASE:**

The employer, Pro Staff, filed an appeal from a decision dated January 7, 2009, reference 04. The decision allowed benefits to the claimant, Alvaro Davila. After due notice was issued, a hearing was held by telephone conference call on January 28, 2009. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by Talent Manager Betsy Bauman.

**ISSUE:**

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

**FINDINGS OF FACT:**

Alvaro Davila began employment with Pro Staff on March 3, 2008. He had one assignment from March 3 to April 3, 2008. A second assignment was from April 30 until May 2, 2008. He completed both assignments as agreed. After the second assignment ended on Friday May 2, 2008, he contacted Pro Staff on Tuesday, May 6, 2008, to request more work. No work was available to him until July 28, 2008.

**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 fulfilled his assignment as agreed by working until May 2, 2008. He did contact the employer within three working days of the end of that assignment as required by the provisions of the above Code section. Disqualification may not be imposed.

**DECISION:**

The representative's decision of January 7, 2009, reference 04, is affirmed. Alvaro Davila is qualified for benefits, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw