

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID D LORENCE
Claimant

APPEAL NO. 10A-UI-15116-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WORKSOURCE INC
Employer

OC: 09/26/10
Claimant: Respondent (1)

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The employer, Worksource, filed an appeal from a decision dated October 27, 2010, reference 01. The decision allowed benefits to the claimant, David Lorence. After due notice was issued, a hearing was held by telephone conference call on December 17, 2010. The claimant participated on his own behalf. The employer participated by Account Manager Missy Flippin. Exhibit One was admitted into the record.

ISSUE:

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

FINDINGS OF FACT:

David Lorence was employed by Worksource from May 3 until June 14, 2010. At the time of hire he had received notice of the policy which notified him he must call the employer to request a new assignment within three business days

His last assignment began June 3, 2010, at Gregory's and ended June 9, 2010. On June 10, 2010, he called Worksource and talked with Jamie to ask if there was more work. She told him there was nothing at that time but the employer would call him if anything became available.

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 record establishes the claimant did contact the temporary agency within three working days of the end of his last assignment to request more work. He did comply with the provisions of the above Code section. Disqualification may not be imposed.

DECISION:

The representative's decision of October 27, 2010, reference 01, is affirmed. David Lorence is qualified for benefits, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css