

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHANE R PALMER
Claimant

APPEAL NO. 09A-UI-09219-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PUTMAN INC
Employer

OC: 05/17/09
Claimant: Appellant (1)

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The claimant, Shane Palmer, filed an appeal from a decision dated June 23, 2009, reference 02. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on July 14, 2009. The claimant participated on his own behalf. The employer, Putman, participated by Branch Manager Kelly Peterson.

ISSUE:

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

FINDINGS OF FACT:

Shane Palmer was employed by Putman from July 2008 until April 22, 2009. His last assignment began on March 12, 2009, at Burke's Outsourcing. His last day of work there was April 7, 2009, and he called in absent every day thereafter until April 17, 2009. On that day Nick, the client's representative, notified Branch Manager Kelly Peterson he did not want Mr. Palmer to return because of his poor attendance.

Ms. Kelly left a message on Mr. Palmer's voice mail to notify him he was not to return to Burke's Outsourcing, he had been removed due to poor attendance. He did not contact the employer within three working days of that notice even though he was aware of the requirement to contact the temporary agency within three days of the end of each assignment.

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 did not contact the employer within three working days of April 17, 2009, when he was notified his assignment was over. He maintained he thought he had been fired but he was only being removed from that particular assignment. Where an individual mistakenly believes that he is discharged and discontinues coming to work (but was never told he was discharged), the separation is a voluntary quit without good cause attributable to the employer. *LaGrange v. IDJS*, (Unpublished, Iowa App. 1984).

Under the provisions of the above Code section, failure to notify the temporary agency within three working days of the end of each assignment is considered a voluntary quit without good cause attributable to the employer. The claimant is disqualified.

DECISION:

The representative's decision of June 23, 2009, reference 02, is affirmed. Shane Palmer is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css