

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**LESTER W MIXON**  
Claimant

**APPEAL NO. 15A-UI-02672-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PERSONNEL STAFFING GROUP LLC**  
Employer

**OC: 09/07/14**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment  
Iowa Code § 96.5-2-a – Discharge for Misconduct

**STATEMENT OF THE CASE**

Claimant filed an appeal from a decision of a representative dated February 17, 2015 (reference 06) which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 3, 2015. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate.

**ISSUES:**

Did the claimant quit by not reporting for an additional work assignment within three business days of the end of the last assignment?

Whether claimant was discharged for misconduct?

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: As claimant was the only participant in the hearing, all findings of fact are gleaned from claimant's testimony. The claimant was last assigned at Liberty Tire from September 2014 to December 7, 2014. After the assignment ended, the claimant immediately called employer as his placement agency. Claimant continued and continues to call employer every couple of days in hopes of securing another job assignment. Employer has not removed claimant from its employable list and has secured claimant a couple of days of work since the job separation from Liberty Tire.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was not terminated from his job with employer but rather has not been placed on another assignment since the assignment with Liberty Tire ended.

Iowa Admin. Code r. 871-24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for work at the conclusion of each temporary assignment so they may be reassigned and continue working. The plain language of the statute allows benefits for a claimant “who notifies the temporary employment firm of completion of an employment assignment *and* who seeks reassignment.” (Emphasis supplied.)

In this case, the employer had notice of the claimant’s availability because claimant notified employer of the end of the assignment and requested a new assignment.

**DECISION:**

The February 17, 2015 (reference 06) unemployment insurance decision is reversed. The claimant’s separation was attributable to the employer. Benefits are allowed, as long as all other conditions are met.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

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