

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID X HENRY**  
Claimant

**APPEAL NO. 09A-UI-07526-E2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DES STAFFING SERVICES INC**  
Employer

**OC: 03/22/09**  
**Claimant: Appellant (2)**

Iowa Code § 96.5(1)j – Voluntary Leaving – Temporary Employment

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the May 6, 2009, reference 03, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on June 9, 2009. The claimant participated and witness Cherish Jackson. The employer failed to participate.

**ISSUE:**

The issue is whether claimant voluntarily quit his work from a temporary employment firm.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant was employed through the employer performing various temporary work. In November 2008 he was assigned to work at Envior Care, cleaning records from the Cedar Rapids flood. This assignment ended the last week of February. The claimant called his employer the day that his assignment ended and let them know it had ended and that he was ready for another assignment. The claimant contacted the employer all of the next week and made inquires about employment.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant did not voluntary quit her employment.

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 purpose of the Iowa Code 96.5-1-j 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 evidence is the claimant properly reported, within three days at the end of his assignment. He did not voluntarily quit.

**DECISION:**

The May 6, 2009, reference 03, decision is reversed.

The claimant is eligible to receive unemployment insurance benefits, provided the claimant meets all other eligibility requirements.

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James Elliott  
Administrative Law Judge

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Decision Dated and Mailed

jfe/pjs