

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CRYSTAL K HENDRICKS**  
Claimant

**APPEAL NO. 11A-UI-00259-PT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ALLSTAR STAFFING**  
Employer

**OC: 10/24/10**  
**Claimant: Appellant (1)**

871 IAC 24.26(19) - Voluntary Quit Spot or Casual Labor  
Iowa Code § 96.5(1)j – Voluntary Leaving – Temporary Employment

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the decision dated January 3, 2011, reference 02, that denied benefits. After due notice was issued, a telephone conference hearing was held on February 8, 2011. The claimant did not participate having failed to respond to the notice of hearing and provide a telephone number to be reached for the hearing. The employer participated through Jane Brown, Human Resources Representative.

**ISSUE:**

The issue is whether claimant voluntarily quit her work from a temporary employment firm or whether the claimant completed her spot labor assignment.

**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 from April 19, 2010 through September 15, 2010. Claimant was last assigned to work on September 9, 2010.

The employer considered the assignment complete on September 15, 2010. Following this assignment the claimant did not return and seek reassignment in compliance with the written policy she received from the employer upon hire March 23, 2010.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 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 § 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 § 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 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. Before applying the statute, an examination of the facts is required to determine if the employer and the claimant meet the definitions under the statute. The employer to be covered must be a "temporary employment firm." Iowa Code § 96.5-1-j(2) A temporary employment firm is defined as a person engaged in the business of hiring temporary employees. "Temporary employees" are defined as: "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." Iowa Code § 96.5-1-j(1).

The law requires an employee who is covered 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." Iowa Code 96.5-1-j. The claimant did receive this document.

The claimant is a temporary employee and is required to notify the temporary agency within three working days of the end of the assignment and of the availability to accept reassignment. In this case, the claimant did not give notice of her availability and did not seek work from employer.

Therefore, claimant is considered to have quit the employment without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The decision dated January 3, 2011, reference 02, decision is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Ron Pohlman  
Administrative Law Judge

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Decision Dated and Mailed

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