

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**NAMBONEKA N KAMANZI**  
Claimant

**ADVANCE SERVICES INC**  
Employer

**APPEAL NO. 19A-UI-09144-B2T**

**AMENDED  
ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/20/19  
Claimant: Respondent (1)**

---

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

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated November 18, 2019, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on December 13, 2019. Claimant participated personally and with witness Bomke Kamanzi. Employer participated by Melissa Lewien, Lisette Ottaway, and Tami Rundle. Employer's Exhibits 1-2 were admitted into evidence. Interpretive services were provided by CTS Language Link.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was last assigned at CRST from October 14, 2019, and was separated from the assignment, but not the employment, on October 22, 2019. Claimant does not speak English, and employer had no one who speaks claimant's native tongue. Claimant came into employer's office, and had a relative interpret documents for her. Prior to starting work, claimant filled out paperwork, including policies that comply with the specific terms of Iowa Code § 96.5(1)j. Employer called up claimant and told her that she was being removed from the assignment. Employer stated that claimant had a woman interpreting when she was told this information. Employer stated claimant did not ask for a new assignment. Claimant stated that she did ask for a new placement.

Two days later, on October 24, 2019, claimant and her son came into employer's office. Claimant wanted to know why she was fired by employer. Employer stated that they explained that claimant wasn't fired, but rather that she was released from an assignment. Employer stated that claimant was going to file for unemployment.

Claimant and her son both stated that they were trying to gain additional placements when claimant was told she was let go after working at an assignment for a week. They stated that they had asked for assignments when they went to employer's place of business two days after being let go.

Employer stated that they had other assignments available at the time of claimant's dismissal from CRST, but didn't share them with claimant because she didn't request an assignment as per company rules.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's separation was with good cause attributable to the employer.

Iowa Code section 96.5(1)j provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. (1) 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.

(2) 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.

(3) For the purposes of this paragraph:

(a) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their workforce during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(b) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

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 and looking for work at the conclusion of the temporary assignment. In this case, the employer had notice of the claimant's availability because they notified the claimant of the end of the assignment. In addition to employer's knowing claimant did not have employment when she was told of the placement ending, claimant came to employer's address within two days of the ending of the placement. Claimant was still complaining about the ending of the assignment. Claimant did have a language barrier that was attempted to be bridged by her son. The administrative law judge does not have to get into an evaluation as to whether the employer's witness from October 24, 2019 or claimant and her son were more credible as to whether or not a new placement was specifically requested, as claimant's actions are seen as a true desire to be working. Employer chose not to offer new employment to claimant even though they knew claimant had only worked for a week, and CRST ended the placement through no fault on the part of claimant. Considering the equities involved, including the language barrier and the fact that claimant showed her intent to be employed, the separation is with good cause attributable to employer and claimant is eligible to receive benefits.

**DECISION:**

The decision of the representative dated November 18, 2019, reference 01, is affirmed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.

This reasoning in this decision is in line with the decision previously entered in this matter. However, the previous decision indicated the matter was reversed although the fact finding and appeals decisions both found for the claimant. As such, the decision is affirmed.

---

Blair A. Bennett  
Administrative Law Judge

---

Decision Dated and Mailed

bab/rvs