

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

MARIA LISKE  
14100 – 112<sup>TH</sup> AVE LOT 76  
DAVENPORT IA 52804

R J PERSONNEL INC  
TEMP ASSOCIATES  
PO BOX 1061  
MUSCATINE IA 52761-0018

Appeal Number: 04A-UI-02214-DWT  
OC 01/25/04 R 04  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1-j – Voluntary Quit Temporary Employment Firm

STATEMENT OF THE CASE:

Maria Liske (claimant) appealed a representative's February 23, 2004 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Temp Associates (employer) would not be charged because the claimant failed to notify the employer when her job assignment ended. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 29, 2004. The claimant participated in the hearing. Angie Brauns appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant registered to work for the employer in September 2003. The employer is a temporary employment firm. When the claimant registered for work, the employer gave her information indicating she was required to contact the employer within three days of completing a job assignment and if she did not, she could adversely affect a claim for unemployment insurance benefits.

The employer assigned the claimant to a job in Durant. The claimant worked at this job from September 11, 2003 through December 10, 2003. On December 10, the supervisor at the Durant job told the claimant this would be her last day of work because the business was slowing down and this employer no longer needed temporary employees.

The claimant understood she was required to contact the employer when her job assignment ended. The employer learned the claimant and a number of other employees who had been working in Durant had been laid off from work. The employer contacted the claimant on December 12 to talk to the claimant about another job assignment. The employer left a message for the claimant. The claimant did not know the employer called her on December 12. The claimant knew the employer called on December 15 and she talked to someone on December 17, 2003. During the December 17 call, the claimant reported she was available for work, but would only travel as far as Durant and was not interested in traveling to Moscow for a job. When the employer called the claimant on December 12, the employer had an assignment in Moscow to offer the claimant.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if she fails to notify the employer. Iowa Code §96.5-1-j.

The intent of this law is to put the employer on notice that a claimant has finished a job assignment so another job can be assigned to a claimant to keep employed. Even though the employer knew the claimant had been laid off from work and contacted her to offer her another job, the claimant failed to contact the employer right away in an attempt to remain employed.

The claimant's last day of work was December 10 and she had until December 15 to contact the employer. The claimant did not contact the employer within the guidelines established by Iowa Code §96.5-1-j. Therefore, as of December 7, 2003, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's February 23, 2004 decision (reference 01) is affirmed. The employer knew when the claimant completed a job assignment, but claimant failed to contact the employer about another job pursuant to Iowa Code §96.5-1-j. The claimant is disqualified from receiving unemployment insurance benefits as of December 8, 2003. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

dlw/b