

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**DANIEL F RAMOS MENDOZA**  
Claimant

**ADVANCE SERVICES INC**  
Employer

**APPEAL 16A-UI-12153-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/31/16  
Claimant: Appellant (2R)**

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

**STATEMENT OF THE CASE:**

Daniel F. Ramos Mendoza (claimant) filed an appeal from the November 2, 2016, (reference 06) unemployment insurance decision that denied benefits based upon the determination he voluntarily quit his employment with Advance Services, Inc. (employer) when he failed to notify it within three days of the end of his assignment. The parties were properly notified about the hearing. A telephone hearing began on November 30, 2016 and concluded on December 6, 2016. The claimant participated personally. The employer participated through Human Resources Coordinator Gracie Ramirez and Risk Management Melissa Lewien. Interpretation for the hearing was provided by Martin (employee number 6700) and Joel (employee number 10092) from CTS Language Link. Claimant's Exhibit A was received. Employer's Exhibit 1 was received.

**ISSUE:**

Did the claimant quit by not reporting for additional work assignments 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 employed in a temporary full-time position as a Sorter with the employer's client Aquilant in Ogden beginning on August 29, 2016 and his assignment ended on September 27, 2016. The employer has a policy which the claimant received that states within three days of the end of an assignment, the employee must request a new job assignment or he will be deemed to have voluntarily quit his employment.

On September 27, 2016, Human Resources Coordinator Gracie Ramirez notified the claimant that his assignment had ended. The claimant asked for another job assignment. The employer alleges that he refused the position it offered him.

**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. Benefits are allowed, if the claimant is otherwise eligible.

Iowa law disqualifies individuals who voluntarily quit employment without good cause attributable to the employer from receiving unemployment insurance benefits. Iowa Code § 96.5(1). Individuals who work for temporary staffing agencies are considered to have voluntarily quit without good cause attributable to the employer if they receive written notice that they must contact the temporary agency within three days of the end of an assignment to request reassignment and they fail to do so. Iowa Code § 96.5(1)j and Iowa Admin. Code r. 871-24.26(15).

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for and seeking work at the end of the temporary assignment. Since the claimant contacted the employer within three working days of the end of the assignment and requested reassignment as required, he did not voluntarily quit his position, and no disqualification is imposed on this basis. Accordingly, benefits are allowed if he is otherwise eligible.

**DECISION:**

The November 2, 2016, (reference 06) unemployment insurance decision is reversed. The claimant's separation from employment was attributable to the employer. Benefits are allowed, provided he is otherwise eligible.

**REMAND:**

The issue of whether the claimant refused a suitable offer of work from the employer on September 27, 2016 is remanded to the Benefits Bureau for an initial investigation and determination.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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