

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DONALD B JOHLL
Claimant

APPEAL NO. 07A-UI-08022-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

OC: 0701/07 R: 04
Claimant: Respondent (2)

Section 96.5(1)j – Quit

STATEMENT OF THE CASE:

The employer, Labor Ready, filed an appeal from a decision dated August 10, 2007, reference 04. The decision allowed benefits to the claimant, Donald Johll. After due notice was issued, a hearing was held by telephone conference call on September 5, 2007. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by Customer Service Representative Mark Otterbeck. Exhibit One was admitted into the record.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Donald Johll was employed by Labor Ready from November 1, 2005 until July 11, 2007. He last worked on a one-day assignment at Nationwide Electronics on July 6, 2007. Mr. Johll had signed an acknowledgement of on June 13, 2006, informing him of the requirement to notify Labor Ready within three days of the end of each assignment and request more work, otherwise he would be considered a voluntary quit under Iowa unemployment law. The claimant did not sign up for any more work after completing his assignment on July 6, 2007.

Donald Johll filed a claim for unemployment benefits with an effective date of July 1, 2007. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

REASONING AND CONCLUSIONS OF LAW:

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 claimant was advised in writing of the requirement to notify the employer of the end of each assignment and to request more work within three days. He failed to do this. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of August 10, 2007, reference 04, is reversed. Donald Johll is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css