

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**TRE A REYNOLDS**

Claimant

**APPEAL 21A-UI-13178-CS-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**

Employer

**OC: 03/21/21**

**Claimant: Appellant (1)**

---

Iowa Code §96.5(2)a-Discharge/Misconduct

Iowa Code §96.5(1)- Voluntary Quit

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

Iowa Code § 96.4(3) – Ability to and Availability for Work

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the May 26, 2021, (reference 03) unemployment insurance decision that disallowed benefits based upon claimant failing to contact the temporary employer within three working days of completion of last work assignment. The parties were properly notified of the hearing. A telephone hearing was held on August 9, 2021. The claimant participated in person. The employer participated through Risk Manager, Melissa Lewien. Exhibits A, B, C, D, E, F, G, H, I, J, K, L, and 1 were admitted into the record.

**ISSUES:**

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

Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant was last assigned at All Pro Fasteners from April 22, 2019 to March 20, 2020.

Claimant was notified on March 24, 2020, that his assignment had ended because the assignment was complete. On March 24, 202, Claimant had spoken with the employer about the end of the assignment and informed the employer that he would not be taking anymore assignments because he was going into COVID quarantine. Claimant had begun feeling sick on Monday, March 23, 2020. The employer had job assignments for the claimant.

On April 2, 2020, the employer contacted the claimant by email to see if claimant was interested in a different assignment. (Exhibit I). The claimant did not respond to the email.

Claimant was ill from March 23, 2020 through July of 2020 and not able to work. Claimant was looking for online positions but could not find any jobs. Claimant also did not have transportation for jobs. Claimant relies on friends and co-workers to get to work.

On May 21, 2020, the employer and claimant spoke with claimant and informed him that they could get him back to work. The employer offered him an assignment at Palmer Candy but the claimant did not accept it. Palmer Candy is located approximately two miles from claimant's home.

When claimant was hired by the employer he received an assignment policy. (Employer's Exhibit 1) The policy requires the claimant to contact the employer within three working days after the assignment ends to request further assignments or the employee will be considered to have voluntarily quit. Claimant signed acknowledged receipt of the policy. (Exhibit 1).

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

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

Iowa Code § 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. (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 lettered paragraph:

(a) "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.

(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 § 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 statute 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. The plain language of the statute allows benefits for a claimant "who notifies the temporary employment firm of completion of an assignment *and* who seeks reassignment." (Emphasis supplied.)

In this case, the employer had notice of the claimant's availability because it notified him of the end of the assignment but he did not request another assignment, therefore, claimant is considered to have quit the employment. Claimant informed the employer he was going into quarantine and when the employer contacted him multiple times with job assignments claimant refused to accept them. Claimant testified that he did not want to work for a company that would not provide medical insurance for its employees during a pandemic. Claimant has voluntarily quit his employment without good cause attributable to the employer. Benefits are denied.

The issue of claimant's ability to work and availability for work is moot since he does not qualify for state unemployment benefits.

**DECISION:**

The May 26, 2021, (reference 03) unemployment insurance decision is affirmed. The claimant's separation was not attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

The issue of claimant's ability to work and availability for work is moot since he does not qualify for state unemployment benefits.



---

Carly Smith  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

August 13, 2021  
Decision Dated and Mailed

cs/scn

**NOTE TO CLAIMANT:**

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.