

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**BERNARD ALLASSOUMA**  
Claimant

**APPEAL 19A-UI-06286-CL**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AVENTURE STAFFING & PROFESSIONAL**  
Employer

**OC: 06/30/19**  
**Claimant: Appellant (4)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment  
Iowa Code § 96.5(12) – Supplemental Part-time Employment

**STATEMENT OF THE CASE:**

On August 7, 2019, the claimant filed an appeal from the July 29, 2019, (reference 02) unemployment insurance decision that denied benefits based on a separation from employment. The parties were properly notified about the hearing. A hearing was held in Sioux City, Iowa, on September 18, 2019. Claimant participated personally. Employer participated through human resource specialist Toni Holguin. Kris Tieck observed. Claimant's Exhibit A was received. Employer's Exhibits 1 through 5 were received. Department's Exhibit D-1 was received.

**ISSUES:**

Did claimant voluntarily quit the part-time employment with good cause attributable to employer?

Has the claimant requalified or is he otherwise monetarily eligible for benefits?

Is the employer liable for benefit charges?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Employer is a temporary staffing firm. Claimant has worked off and on for employer for years as a temporary worker.

Employer has a policy requiring employees to contact employer within three business days of the completion of an assignment to request additional work. Claimant was aware of the policy.

Claimant occasionally performed assignments for employer, but his regular job was with the Siouxland Department of Public Health.

On Sunday, May 12, 2019, claimant worked a one-day assignment for employer at the Delta Hotel. Claimant did not request additional work within the next three business days.

Claimant was separated from Siouxland Department of Public Health on July 1, 2019.

The administrative record shows that the claimant has not requalified for benefits since the separation on May 12, 2019, but he appears to be otherwise monetarily eligible for benefits after this part-time employer's wages are excluded from the base period.

### **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, but has not requalified and may be otherwise monetarily eligible.

Iowa Code section 96.5(1) 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.

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. 871-24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on Form 65-5323, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

This rule is intended to implement Iowa Code section 96.5(1)g.

In this case, the employer had a policy requiring claimant to seek another assignment within three days of an assignment ending. Claimant received a copy and was aware of the policy. Although claimant asserts he requested more work the same day of his last assignment, I do not find that testimony credible. Claimant's assignment was on May 12, 2019, which is a Sunday. Employer does not have any notes of speaking to claimant on that date or within the three days after. I find claimant did not request another assignment within three days of the assignment ending and therefore he is considered to have voluntarily resigned without good cause attributable to the employer. However, because this was supplemental, part-time employment and claimant is otherwise monetarily eligible for benefits based on wages paid by his regular employment, claimant is not disqualified from receiving benefits based on this separation from employment.

**DECISION:**

The July 29, 2019 (reference 02), decision is modified in favor of the appellant. The claimant voluntarily left the employment without good cause attributable to the employer and has not requalified for benefits but may be otherwise monetarily eligible. Benefits are allowed, provided the claimant is otherwise eligible. The account of this employer (357627) shall not be charged.

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Christine A. Louis  
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Decision Dated and Mailed

cal/scn