

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHARLES R JENNINGS**  
Claimant

**APPEAL NO. 11A-UI-00646-PT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REMEDY INTELLIGENT STAFFING INC**  
Employer

**OC: 12/26/10  
Claimant: Appellant (2)**

871 IAC 24.26(19) – Voluntary Quit - Spot or Casual Labor  
Iowa Code § 96.5(1)j – Voluntary Leaving - Temporary Employment

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the January 18, 2011, reference 01, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on February 18, 2011. The employer participated through Abby Plummer, staffing coordinator. The claimant failed to respond to the notice of hearing to provide a telephone number where he could be reached for the hearing and did not participate.

**ISSUE:**

The issue is whether claimant voluntarily quit her work from a temporary employment firm or whether the claimant completed his spot labor assignment.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant was employed through the employer performing various temporary work. He completed a project on October 16, 2010. He did not contact the employer within three days after this assignment was complete.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant did not voluntarily quit his employment.

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. 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 record fails to establish that the employer has complied with the notice requirements of Iowa Code § 96.5-1-j. The claimant's separation from employment is not disqualifying.

**DECISION:**

The January 18, 2011, reference 01, decision is affirmed. The claimant is eligible to receive unemployment insurance benefits, provided the claimant meets all other eligibility requirements.

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Ron Pohlman  
Administrative Law Judge

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Decision Dated and Mailed

rrp/kjw