

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**JEROME A JACOBY  
317 GLENDALE ST  
WATERLOO IA 50703**

**KELLY SERVICES INC  
999 W BIG BEAVER RD  
TROY MI 48084-4716**

**Appeal Number: 06A-UI-07808-HT  
OC: 07/02/06 R: 03  
Claimant: Respondent (2)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1)j – Quit

STATEMENT OF THE CASE:

The employer, Kelly Services, filed an appeal from a decision dated July 31, 2006, reference 04. The decision allowed benefits to the claimant, Jerome Jacoby. After due notice was issued a hearing was held by telephone conference call on August 21, 2006. The claimant participated on his own behalf. The employer participated by Supervisor Amy Becker.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Jerome Jacoby began working for Kelly Services in January 2006. At the time he applied for work he signed the application and read the

contractual information on the back. That information notified him he must contact Kelly Services within three days of the end of each assignment to request more work.

Mr. Jacoby's last assignment began on February 15, 2006, at East Iowa Plastics. He missed four days of work, the last one being March 22, 2006. When he called Supervisor Amy Becker to report his absence on that day she told him the employer had requested his removal from the assignment. When she notified him of this he told her he was no longer interested in full-time work but wanted to work only two or three days per week. At the time he applied for work he said he wanted full time.

The claimant did not contact the employer after that date and he was deactivated effective May 9, 2006.

Mr. Jacoby filed a claim for unemployment benefits with an effective date of July 2, 2006. Records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant quit work for reasons which would disqualify him from receiving unemployment benefits.

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 had been advised of the requirement to notify the employer within three working days of the end of an assignment to request more work. Telling the supervisor he no longer wanted full time work is not the same as asking for a new assignment. The claimant failed to comply with the requirements of the above Code section and he is disqualified.

DECISION:

The representative's decision of July 31, 2006, reference 04, is reversed. Jerome Jacoby is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

bgh/pjs