

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHERRI LAWTON
Claimant

APPEAL NO: 10A-UI-03752-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMPRO SERVICES INC
Employer

OC: 01-24-10
Claimant: Appellant (2)

Section 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 2, 2010, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on April 22, 2010. The claimant participated in the hearing. Beth Gunnell, Account Manager and Chad Baker, Worker's Compensation Administrator, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant worked for Temprow Services and was employed full-time working at Promotion Support Services. At the time of hire, the employer advised the claimant she was required to request a new assignment within three days of the completion of an assignment, or she could be disqualified for unemployment insurance benefits. The claimant was removed from her assignment July 15, 2009, and called the employer at the end of the day to advise she was available for another assignment. The employer has no record of the claimant requesting an additional assignment. The claimant testified she called the employer again July 20, 2009, but no work was available.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer.

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.

Because the claimant asked for another assignment on the day she was removed from her last assignment, it cannot be said that the employer was unaware of her status or availability. Consequently, the claimant's separation from employment was with good cause attributable to the employer. Therefore, benefits are allowed.

DECISION:

The March 2, 2010, reference 01, decision is reversed. The claimant voluntarily quit her employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs