

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALEJANDRA A DE LEON**  
Claimant

**APPEAL NO. 14A-UI-02068-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 01/26/14**  
**Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit of Temporary Employment  
871 IAC 24.1(113)a - Layoff

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated February 18, 2014, reference 01, that concluded she had voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on March 17, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing with the assistance of an interpreter, Ike Rocha. No one participated in the hearing on behalf of the employer. Exhibit A was admitted into evidence at the hearing.

**ISSUE:**

Did the claimant voluntarily quit temporary employment or was she laid off due to lack of work?

**FINDINGS OF FACT:**

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer from September 2012 to January 24, 2014. When the claimant was hired, she was informed that she would be considered to have voluntarily quit employment if she did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant had been working on a production-work assignment at Palmer Candies until mid-January 2014. She suffered a toe infection and was placed in a light-duty job at the Humane Society during the week of January 20, 2014. On January 27, 2014, she was released by her doctor with no restrictions. She contacted Rachel Lopez with the employer that day and asked if there was work available. Lopez said that there was no work available and she would be contacted about future assignments. The claimant has checked back periodically but there has been no work for her.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a. On the other hand, a claimant whose separation is a layoff is qualified to receive benefits, if the claimant is otherwise eligible. The rules define a layoff as “a suspension from pay status initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover, termination of seasonal or temporary employment, inventory-taking, introduction of laborsaving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.” 871 IAC 24.1(113)a.

Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

In this case, the claimant contacted the employer within three days to request a new assignment. She was laid off due to lack of work and is eligible for benefits.

**DECISION:**

The unemployment insurance decision dated February 18, 2014, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs