

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ADAM W SUTCLIFFE
Claimant

QPS EMPLOYMENT GROUP INC
Employer

APPEAL 20A-UI-01923-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/09/20
Claimant: Appellant (2)

Iowa Code § 96.5(1)(j) – VQ – Temporary employment firm

STATEMENT OF THE CASE:

Claimant filed an appeal from the February 28, 2020 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on March 19, 2020, at 8:00 a.m. Claimant participated. Employer participated through Mai Lor, Hearing Representative, and Jaydon Prunchak, Senior Recruiter. Employer's Exhibit 1 was admitted.

ISSUE:

Whether claimant's separation was a voluntary quit without good cause attributable to employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed by QPS Employment Group, Inc., a temporary employment firm, from October 29, 2019 until February 10, 2020. Claimant's sole assignment through employer was as a full-time welder at ESCP Corporation in Davenport, Iowa. Claimant's assignment at ESCP ended on February 8, 2020 due to absenteeism. On February 10, 2020, claimant spoke with employer regarding his worker's compensation claim. At the end of the conversation, claimant asked employer for another assignment. Employer told claimant that it did not have any available.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from employment is not disqualifying. Benefits are allowed, provided claimant is otherwise eligible.

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.

Iowa Admin. Code r. 871-24.26(15) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

Employee of temporary employment firm.

a. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm within three days of completion of an employment assignment and seeks reassignment under the contract of hire. The employee must be advised by the employer of the notification requirement in writing and receive a copy.

b. The individual shall be eligible for benefits under this subrule if the individual had good cause for not contacting the employer within three days and did notify the employer at the first reasonable opportunity.

c. Good cause is a substantial and justifiable reason, excuse or cause such that a reasonable and prudent person, who desired to remain in the ranks of the employed, would find to be adequate justification for not notifying the employer. Good cause would include the employer's going out of business; blinding snow storm; telephone lines down; employer closed for vacation; hospitalization of the claimant; and other substantial reasons.

d. Notification may be accomplished by going to the employer's place of business, telephoning the employer, faxing the employer or any other currently accepted means of communications. Working days means the normal days in which the employer is open for business.

On February 8, 2020, claimant's assignment at ESCP ended. On February 10, 2020, claimant requested a new assignment from employer. Claimant's request was made within three days of the assignment ending. Accordingly, claimant is not disqualified. Benefits are allowed, provided claimant is otherwise eligible.

DECISION:

The February 28, 2020 (reference 01) unemployment insurance decision is reversed. Claimant's separation was not disqualifying. Benefits are allowed, provided claimant is otherwise eligible.

A handwritten signature in black ink, appearing to read "Adrienne C. Williamson", is positioned above a horizontal line.

Adrienne C. Williamson
Administrative Law Judge
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March 31, 2020
Decision Dated and Mailed

acw/scn