

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MICHAEL EUBANKS
Claimant

APPEAL NO. 14A-UI-04297-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 03/02/14
Claimant: Appellant (1)

Iowa Code § 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

Michael Eubanks (claimant) appealed an unemployment insurance decision dated April 16, 2014, (reference 01), which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Advance Services, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 14, 2014. The claimant participated in the hearing. The employer participated through Mike Volle, Risk Manager and Renee Hoyt, Human Resources Coordinator. Employer's Exhibits One and Two and Claimant's Exhibit A were admitted into evidence.

ISSUE:

The issue is whether the claimant is disqualified for failure to contact the temporary employment agency within three working days after the completion of his assignment to request additional work, when and if notified of this requirement at the time of hire.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment agency and the claimant was hired on August 19, 2013. At the time of hire, he signed a Job Assignment Sheet and an End of Assignment Policy, which advised him of the requirement to check in for additional work after the completion of an assignment. The employer requires employees to check in within three working days after an assignment ends to provide the employer notification of the claimant's availability and failure to do so would be considered as a voluntary quit. The claimant was given a copy of the End of Assignment Policy.

The claimant was assigned to work at Cardinal on August 19, 2013, and was advised by Cardinal that his assignment was over on February 28, 2014, due to a short-term layoff. The claimant contacted the employer on March 3, 2014, to advise that he was on a four to six week layoff. He did not request additional work but only called to ask whether he could apply for unemployment insurance benefits. The employer witness advised him he could since that is not something over which the employer has any control. The claimant did not request another

assignment and admitted in the hearing that he was not looking for additional work at that time because he wanted to return to Cardinal. He was considered to have voluntarily quit when he failed to request additional work from the employer.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1. The employer herein is a temporary employment agency and temporary employment agencies are governed by Iowa Code §96.5-1-j, which places specific restrictions on both the employer and the employee with regard to unemployment insurance benefits.

To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and the employer did so in this case. The employer must also notify the individual that he may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer and fails to request additional work. Iowa Code § 96.5-1-j. The claimant was given a copy of the End of Assignment Policy, which advised him that failure to follow these instructions would be considered a voluntary quit.

The evidence indicates the claimant knew or should have known he was required to contact the employer within three days after the completion of his assignment so the employer knew whether he was available for additional assignments. The claimant contacted the employer within three days but actually only questioned whether he could apply for unemployment. He did not request additional work and admitted he was not looking for additional work at that time because his layoff from the contract employer was just temporary and he did not want to start another job just to have to quit four to six weeks later. He could have requested short-term assignments so it would not have interfered with his ability to return to Cardinal but he did not do so. The claimant's separation is not attributable to the employer. Benefits are denied.

DECISION:

The unemployment insurance decision dated April 16, 2014, (reference 01), is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs