

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIANNE R BAILEY
Claimant

APPEAL NO: 11A-UI-10726-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 07/03/11
Claimant: Respondent (2/R)

Iowa Code § 96.5(1)j- Quit a Temporary Employment Firm

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's August 10, 2011 determination (reference 03) that held claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation was for nondisqualifying reasons. The claimant did not respond to the hearing notice or participate in the hearing. Holly Carter, a unemployment insurance specialist, appeared on the employer's behalf. During the hearing, Employer Exhibits One and Two were offered and admitted as evidence. Based on the evidence, the arguments of the employer, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant registered to work for the employer on February 22, 2011. On this day, the claimant signed documentation indicating she had read and received a copy of the employer's assignment policy. This policy stated that when an assignment ended, the claimant was to report to the employer for another assignment within three working days and failure to do this could adversely affect her unemployment insurance benefits. (Empower Exhibit One.) When the employer assigned the claimant to a job, the job assignment sheet again stated that when an assignment ended, the claimant must contact the employer for another assignment. (Employer Exhibit Two.)

The claimant started working at an assignment on February 28, 2011. This client informed the claimant and other temporary employees the job would be completed on July 1, 2001. On June 30, 2011, the business client sent the employer an email to let the employer know the job had been completed. The claimant went to the employer's office on July 1 to pick up her paycheck. The claimant did not ask the employer for another job assignment. Within the next three days, the employer had numerous jobs the clamant could have been assigned to. The claimant did not contract the employer about another job assignment.

The claimant established a claim for benefits during the week of July 3, 2011. The claimant has filed for and received benefits since July 3, 2011.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. 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 that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5(1)j.

In this case, the claimant completed a job assignment. The employer gave her copies of the employer's policy that required her to contact the employer within three working days in an attempt to be assigned to another job. Since the claimant did not do this, she is considered to have voluntarily quit employment without good cause. As of July 3, 2011, the claimant is not qualified to receive benefits.

Since the claimant is not legally entitled to receive benefits as of July 3, 2011, an issue of overpayment or whether the claimant is eligible for a waiver of any overpayment will be remanded to the Claims Section to determine.

DECISION:

The representative' August 10, 2011 determination (reference 03) is reversed. The claimant voluntarily quit her employment relationship with the employer by failing to ask the employer for another job assignment after completing her first assignment. Since the claimant quit for reasons that do not qualify her to receive benefits, she is denied benefits as of July 3, 2011. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. An issue of overpayment or whether the claimant is eligible for a waiver of any overpayment is **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs