

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL E JAHNCKE**  
Claimant

**APPEAL NO. 12A-UI-01590-L**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 06/26/11**  
**Claimant: Appellant (2)**

Iowa Code § 96.5(1)j – Voluntary Leaving (Temporary Assignment)

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the February 7, 2012 (reference 01) decision that denied benefits. After due notice was issued, a hearing was held on June 25, 2012 in Dubuque, Iowa. Claimant participated. Employer did not respond to the hearing notice instructions and did not participate.

**ISSUE:**

Did the claimant quit by not reporting for additional work assignments within three business days of the end of the last assignment?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time forklift operator/shipping and receiving clerk assigned at TM Logistics, a parts supplier for John Deere, from November 7 through January 3, 2012 when he was separated for reasons other than misconduct. The week of December 12 through 16, 2011 TM Logistics Manager Steve Tschiggfired told him that John Deere would shut down for the Christmas holiday from December 16, 2011 through January 3, 2012 so they would not need him for that period and instructed him to take his personal belongings with him over the holiday shutdown. He did not report to Express Services to ask for reassignment during the holiday shutdown layoff period because he did not know that was the end of his assignment and did not recall instruction to call or report for further assignment in such a situation. On December 23 he picked up a paystub and there was no mention of the end of the assignment or that he must ask for another assignment during the shutdown. The employer did not provide a copy of a signed reassignment document at the fact finding or for the appeal hearing. On January 2 Mike Schall of Express notified him he would not be recalled back to TM Logistics. Claimant returned to Express on January 3, 2012 to seek other assignments.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's separation was with good cause attributable to the employer.

Iowa Code § 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.

871 IAC 24.26(19) 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:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code § 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code § 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a

new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

Since employer provided no evidence that it presented claimant with a written copy of the reporting policy, claimant's recollection that he did not receive notice of the reporting policy is credible. Without that, and since he thought he was on a holiday shutdown rather than at the end of the assignment, claimant was reasonable to opt to look for work elsewhere or to report for additional work when he did. Benefits are allowed.

**DECISION:**

The February 7, 2012 (reference 01) decision is reversed. The claimant's separation from employment was attributable to the employer. The employer had adequate knowledge about the conclusion of the claimant's assignment but had no further work available at the time. Benefits are allowed effective December 18, 2011, provided the claimant is otherwise eligible.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/css