

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

STEPHANIE L FLORYANCIC
Claimant

QPS EMPLOYMENT GROUP INC
Employer

APPEAL NO. 17A-UI-09100-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 07/23/17
Claimant: Appellant (1)**

Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated August 28, 2017, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on September 21, 2017. Claimant participated personally. Employer participated by Melissa Janns and Rhonda Hefter de Santisteban.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant was hired by employer on October 23, 2015. Claimant's most recent placement was on June 5, 2017, with Borghi in West Burlington, Iowa. Claimant's last day of that placement was on June 19, 2017, when claimant left work early. Claimant called in on June 20, 2017 stating she wouldn't be at work on that date. Claimant stopped calling in and showing for work at Borghi after the 20th. Claimant was terminated from Borghi, but not the employer on June 22, 2017. Employer attempted to contact claimant on that date, but was unsuccessful through multiple efforts. Employer terminated claimant on June 27, 2017 after claimant had not contacted employer for three days after her job separation.

Claimant stated that she'd been involved in a very abusive relationship with a boyfriend who'd damaged claimant's transportation, destroyed her lines of communication, injured claimant, and threatened claimant and her family.

Employer did have a policy that complies with Iowa Code § 96.5(1)j, which mandates contacting employer within three days of a separation from a placement.

Employer stated that the first time they heard from claimant after the job separation was July 6, 2017. Claimant stated she thought she had earlier contact, but didn't know when it was.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

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.

(3) For the purposes of this paragraph:

(a) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their workforce during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(b) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for work at the conclusion of each temporary assignment so they may be reassigned and continue working. The plain language of the statute allows benefits for a claimant "who notifies the temporary employment firm of completion of an employment assignment *and* who seeks reassignment." (Emphasis supplied.)

In this case, the claimant did not notify the employer of her availability or request another assignment within three days of the ending of the previous assignment and, therefore, is considered to have quit the employment, even though she may have returned to the temporary agency at some later date. Benefits are denied.

DECISION:

The August 28, 2017, (reference 02) unemployment insurance decision is affirmed. The claimant's separation was not attributable to the employer. Benefits are withheld until such time as she works in and has been paid for wages equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn