

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL A PLEDGE**  
Claimant

**APPEAL NO. 08A-UI-09971-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LA LEASING INC  
SEDONA STAFFING**  
Employer

**OC: 08/17/08 R: 03  
Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Michael Pledge, filed an appeal from a decision dated October 21, 2008, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on November 12, 2008. The claimant participated on his own behalf. The employer, Sedona Staffing, participated by Unemployment Benefits Administrator Colleen McGuinty and Account Coordinator Jessica Swain.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Michael Pledge was employed by Sedona from May 10, 2007 until November 15, 2008. His last assignment began on November 9, 2008, and was to be long-term at Worley Warehouse. He worked only the first day and on November 12, 2008, contacted Account Manger Tom Appel to say he would be in late due to having a doctor's appointment. However, he did not appear at all that day and was no-call/no-show on November 13, 14 and 15, 2008. After the start of his shift on November 15, 2008, he again contacted Mr. Appel to say he had another doctor's appointment. By that time he was considered a voluntary quit because of the three days of being no-call/no-show.

Mr. Pledge did receive a handbook at the time of hire which contained the policy notifying employees of the three-day no-call/no-show rule. He also signed a document which informed him he must call within three days of the end of each assignment to request more work or he would be considered a voluntary quit.

## **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1 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.

871 IAC 24.25(4) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

Iowa Code section 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.

Mr. Pledge maintained the assignment at Worley Warehouse was to be long term but he was notified by an on-site supervisor the assignment was over at the end of the day on November 9, 2008. The entire Sedona crew was sent home. He acknowledged he did not contact Sedona after being sent home that day but stated he had been offered another job by Sylvia at the Sedona office. However, there was no one by that name who worked in that Sedona office.

The claimant is a voluntary quit by operation of law. He was either no-call/no-show for three days in violation of a known company rule, or for not contacting the employer within three days of the end of each assignment. Under the provisions of the above Administrative Code sections, this is misconduct for which the claimant is disqualified.

**DECISION:**

The representative's decision of October 21, 2008, reference 01, is affirmed. Michael Pledge is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

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Bonny G. Hendricksmeyer  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs