

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHAWN P FAHEY**  
Claimant

**APPEAL NO. 12A-UI-03663-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ANNA ENTERPRISES**  
Employer

**OC: 03/04/12**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
Section 96.5-1-j – Separation from Temporary Employment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated April 6, 2012, reference 01, which held that the claimant was not eligible to receive unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on April 24, 2012. The employer participated by Bill Van Sloun, manager. The claimant did not respond to the hearing notice and did not participate. The record consists of the testimony of Bill Van Sloun and Employer's Exhibits 1-2.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a temporary staffing agency. The claimant accepted his first assignment on June 13, 2011. That assignment ended on June 16, 2011, and the claimant received another assignment on June 20, 2011. The employer's client ended the assignment on February 20, 2012. The employer called the claimant and left him a message that the assignment had ended. The claimant never contacted the employer about another assignment.

When he was hired the claimant signed a separate form, which stated that if an assignment ended, the claimant had to request another assignment within three working days or be considered a voluntary quit. The claimant received a copy of this form.

## REASONING AND CONCLUSIONS OF LAW:

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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The evidence in this case established that the employer complied with the provisions of Iowa Code section 96.5-1-j. The claimant's assignment ended on February 21, 2012, and he was notified by the employer. The claimant failed to request another assignment or to even contact the employer after the assignment ended. Under these circumstances, the claimant is considered to have voluntarily quit his job without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The representative's decision dated April 6, 2012, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until the claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/kjw