

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**HEATHER LORTON  
404 3<sup>RD</sup> ST  
SEASBORO, IOWA 50242-7579**

**QPS EMPLOYMENT GROUP  
RHONDA HEFTER DE SANTISTEBAN  
1700 S 108<sup>TH</sup> ST  
WEST ELLIS, WISCONSIN 53214**

**DIA APPEAL NO. 21IWDUI0134  
IWD APPEAL NO. 20A-UI-10598**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REQUEST TO REOPEN AND APPEAL RIGHTS:**

**This Decision Shall Become Final**, unless within fifteen (15) days from the mailing date below the administrative law judge's signature on the last page of the decision, you or any interested party:

(1) Make a written request to reopen the hearing to the Appeals Bureau directly to:

**Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
or  
Fax (515)478-3528**

(2) **OR YOU MAY** Appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to:

**Employment Appeal Board  
4<sup>th</sup> Floor – Lucas Building  
Des Moines, Iowa 50319  
or  
Fax (515)281-7191**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**AN APPEAL TO THE BOARD SHALL STATE CLEARLY:**

The name, address and social security number of the claimant.

A reference to the decision from which the appeal is taken.

That an appeal from such decision is being made and such appeal is signed.

The grounds upon which such appeal is based.

**YOU MAY REPRESENT** yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

---

**ONLINE RESOURCES:**

UI law and administrative rules: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-law-and-administrative-rules>

UI Benefits Handbook: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-benefits-handbook-guide-unemployment-insurance-benefits>

Handbook for Employers and forms: <https://www.iowaworkforcedevelopment.gov/employerforms>

Employer account access and information: <https://www.myiowaui.org/UIITPTaxWeb/>

National Career Readiness Certificate and Skilled Iowa Initiative: <http://skillediowa.org/>

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**HEATHER LORTON**  
Claimant

**DIA APPEAL NO. 21IWDUI0134  
IWD APPEAL NO. 20A-UI-10598**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QPS EMPLOYMENT GROUP INC**  
Employer

**OC: 06/14/20  
Claimant: Appellant (1)**

---

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

**STATEMENT OF THE CASE:**

The claimant, Heather Lorton, filed an appeal from the August 27, 2020, unemployment insurance decision that concluded she was not eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 9, 2020. Claimant participated personally. Employer participated through Mai Lor and Devyn Owens.

**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:**

The claimant was last assigned at Priority Plastics as a packaging worker, and was separated from the assignment, but not the employment, on June 8, 2020. On June 8, 2020, QPS notified claimant that the assignment was no longer available and to turn her key fob in. She last performed work on June 5, 2020. Employer has a written reassignment policy which requires employees to request a new assignment within three working days upon an assignment ending. Claimant last signed receipt of the policy on May 27, 2020. Claimant never requested new assignment.

On appeal, claimant testified that she assumed because QPS informed her that her last assignment ended, they also would have informed her if another assignment was available. Employer testified that even if QPS informs an employee that the assignment is over, the employee must inform them that they want a new assignment, per their written policy. QPS testified that continuing work was available had claimant asked for reassignment.

**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.

Iowa Admin. Code r. 871-24.26(15) provides:

Employee of temporary employment firm.

a. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm within three days of completion of an employment assignment and seeks reassignment under the contract of hire. The employee must be advised by the employer of the notification requirement in writing and receive a copy.

b. The individual shall be eligible for benefits under this subrule if the individual has good cause for not contacting the employer within three days and did notify the employer at the first reasonable opportunity.

c. Good cause is a substantial and justifiable reason, excuse or cause such that a reasonable and prudent person, who desired to remain in the ranks of the employed, would find to be adequate justification for not notifying the employer. Good cause would include the employer's going out of business; blinding snow storm; telephone lines down; employer closed for vacation; hospitalization of the claimant; and other substantial reasons.

d. Notification may be accomplished by going to the employer's place of business, telephoning the employer, faxing the employer, or any other currently

acceptable means of communications. Working days means the normal days in which the employer is open for business.

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.” Iowa Code section 96.5(1)(j)(1); Iowa Admin. Code r. 871-24.26(15) (emphasis added).

In this case, just weeks before the assignment ended, the claimant signed a document acknowledging she understood the QPS policy requiring her to request reassignment upon the termination of the prior assignment. On June 8, 2020, QPS informed claimant that her previous assignment was no longer available. As QPS informed the claimant of the termination, it is clear that QPS had notice that the prior assignment had ended. However, the claimant failed during this call or any time after this call to request reassignment from QPS. Applying the plain language of the relevant statute and rule, the claimant failed to take any affirmative step to seek reassignment from QPS. While this judge thinks that QPS should have asked whether the claimant wanted reassignment after informing her that the prior assignment was no longer available, there is no legal duty to do so. The law requires a voluntary quit finding unless both notice of the completion of the previous assignment and claimant seeking reassignment are present. Accordingly, the claimant's separation from employment is not attributable to the employer because the claimant did not seek reassignment. Benefits are unfortunately denied.

**DECISION:**

The August 27, 2020 unemployment insurance decision is AFFIRMED. Claimant is not eligible to receive benefits.



---

Thomas J. Augustine  
Administrative Law Judge  
Department of Inspections and Appeals  
Administrative Hearings Division

10-16-2020

---

Decision Dated and Mailed

CC: Heather Lorton, claimant (by first class mail)  
QPS, employer (by first class mail)  
Nicole Merrill, IWD (email)  
Joni Benson, IWD (email)

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.