

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SALOMON J BENAVENTE**  
Claimant

**APPEAL NO: 11A-UI-07854-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 05/01/11**  
**Claimant: Respondent (1)**

Iowa Code § 96.5(2)a - Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's June 3, 2011 determination (reference 02) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation occurred for non-disqualifying reasons. The claimant participated in the hearing. Aaron Jones, the branch manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant initially registered to work for the employer in September 2008. When the claimant registered, he received a handbook informing him that when he completed a job assignment, he was to contact the employer within 48 hours of completing the assignment so the employer knew he was available for another job.

The employer most recently assigned the claimant to a job that started in September 2010. The last day the claimant worked at this assignment was mid or late April 2011. The client told the claimant he was no longer needed and that the job had been completed. The claimant informed the employer's representative, Erin Platts, that his job assignment had been completed. The employer recorded the claimant as available for work.

In early May 2011, the claimant received a safety bonus from the company he had worked at since September 2010. The claimant established a claim for benefits during the week of May 1, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(2)a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5(1)j. Since the employer's policy informs employees they must contact the employer within 48 hours, Iowa Code § 96.5(1)j does not apply in this case.

The facts indicate the claimant completed an assignment and informed the employer that his assignment had been completed. The employer then noted the claimant was available for work. Under these facts, the claimant did not quit and he was not discharged for work-connected misconduct. He is qualified to receive benefits as of May 1, 2011.

Even if the claimant has not recently contacted the employer about an assignment, the law does not require him to do so. The claimant must, however, actively look for work each week he files a claim for benefits.

**DECISION:**

The representative's June 3, 2011 determination (reference 02) is affirmed. The claimant did not quit his employment and he was not discharged for work-connected misconduct. Instead, he completed an assignment and became unemployed. As of May 1, 2011, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account is subject to charge.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw