

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CINDY S LANGENFELD
Claimant

APPEAL NO: 11A-UI-03419-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AVENTURE STAFFING & PROFESSIONAL
Employer

OC: 01/02/11
Claimant: Respondent (1)

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

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's March 11, 2011 determination (reference 03) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment ended for nondisqualifying reasons. The claimant participated in the hearing. Cyd Hall 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 her employment for reasons that do not qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary staffing firm. The claimant registered to work for the employer. The employer assigned her to a job in June 2010. The claimant completed this assignment and was told she was laid off from the assignment on December 1, 2010.

The claimant immediately went to the employer's office and asked about another assignment. The claimant told the employer that if the employer could not assign her to another job, she would go back to school under the Trade Act. The employer did not offer the claimant another assignment by January 10, 2011, so the claimant started school.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1), (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. The claimant satisfied the requirements of Iowa Code § 96.5(1)j when she went to the employer's office on December 1, 2010, and asked about another assignment. The employer did not offer the claimant another assignment and did not contact her about another assignment until April 6, 2011. Since the claimant completed her assignment and asked the employer about another assignment the same day, she is qualified to receive benefits based on the reason for this employment separation.

Since the claimant was not discharged for work-connected misconduct and did not quit her employment, the employer's account is subject to charge.

(The record reflects that the claimant went back to school in mid-January 2011 and received Department Approved Training to go to school. While she is in school, she is not required to look for work and the employer's account will not be charged.)

DECISION:

The representative's March 11, 2011 determination (reference 03) is affirmed. The claimant completed a temporary job assignment and immediately contacted the employer for another assignment. She satisfied the requirements of Iowa Code § 96.5(1)j. Based on the reasons for her employment separation, as of January 2, 2011, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css