

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT F BRAUMANN
Claimant

APPEAL NO. 09A-UI-17768-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST
Employer

OC: 10/25/09
Claimant: Appellant (2)

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The claimant, Robert Braumann, filed an appeal from a decision dated November 18, 2009, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on January 6, 2010. The claimant participated on his own behalf. The employer, Labor Ready, participated by Branch Manager Jessica Spinello.

ISSUE:

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

FINDINGS OF FACT:

Robert Braumann was employed by Labor Ready from July 23, 2007 until October 14, 2009 as a day laborer. His last assignment was at Pool Tech for one day on October 14, 2009. At the end of the day he went into the office to be paid and asked the assistant, Cindy, if any more work was available. She told him work was slow and nothing was available.

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.

The claimant's last assignment was for one day only and he completed the assignment as agreed. At the end of the day he requested more work but none was available. Under the provisions of the above Administrative Code section, he has met the requirement to request more work within three days of the end of the assignment. He is qualified for benefits.

DECISION:

The representative's decision of November 18, 2009, reference 01, is reversed. Robert Braumann is qualified for benefits, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs