

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALICIA M MABERRY
Claimant

AVENTURE STAFFING & PROFESSIONAL
Employer

APPEAL NO: 13A-UI-12691-ST

**ADMINISTRATIVE LAW JUDGE
NUNC PRO TUNC DECISION**

OC: 10/06/13
Claimant: Appellant (2)

Section 96.5-1-j – Voluntary Quit/Assignment Completion

STATEMENT OF THE CASE:

The claimant appealed a department decision dated November 8, 2013, reference 01, that held she voluntarily quit without good cause attributable to her employer on September 5, 2013, and benefits are denied. A telephone hearing was held on December 5, 2013. The claimant, and witness, Amy Doti, participated. Deb Miller, HR Assistant, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The employer is a temporary employment firm. The claimant worked for the employer on an assignment at Pioneer beginning May 22, 2013 as full-time general labor. The employer notified claimant with a telephone message the assignment ended on September 5.

Claimant responded to the employer message when she got home from work. When claimant asked about further work, employer representative Martin said no further work was available. Claimant called the employer on Monday, September 8, and left a recorded message asking about further work. The employer did not respond.

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 administrative law judge concludes claimant voluntarily quit with good cause attributable to her employer when she completed her assignment on September 5, 2013, and the employer had no further work assignment for her.

The claimant as corroborated by her witness asked for further work when she was notified the assignment ended September 5 and the employer offered none. She made a further attempt to contact the employer within three days and the employer did not respond.

DECISION:

The department decision dated November 8, 2013, reference 01, is reversed. The claimant voluntarily quit with good cause attributable to her employer on September 5, 2013. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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