

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GENE F DE VOS
Claimant

APPEAL NO: 10A-UI-03546-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**AVENTURE STAFFING & PROFESSIONAL
SERVICES LLC**
Employer

OC: 01/31/10
Claimant: Appellant (4)

Section 96.5-1-j – Voluntary Quit Temporary Employment

STATEMENT OF THE CASE:

The claimant appealed a representative's February 24, 2010 decision (reference 01) that concluded he had voluntarily quit his part-time job with the employer without good cause so wages he earned from the employer could not be included in determining his monetary eligibility. A telephone hearing was held on April 2, 2010. The claimant participated in the hearing. Cyd Hall, the office manager, appeared on the employer's behalf. During the hearing, Employer Exhibit One was offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit a part-time job without good cause or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant works full time for Pella Corporation. He works on-call at Dempco Printing. Dempco Printing is one of the employer's clients. The claimant works exclusively for Dempco and Dempco Printing contacts the claimant when there is work for him to work. Although the claimant signed an employment agreement with the employer on March 8, 2007, (Employer Exhibit One) he has only worked for Dempco Printing.

When he has worked at Dempco Printing, the claimant has never contacted the employer for another job assignment. The office the claimant works through knows he only works at Dempco Printing.

The claimant established a claim for benefits during the week of January 31, 2010, because Pella put all employees on furlough.

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. Iowa Code section 96.5-1. 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 section 96.5-1-j. Even though the Employee Agreement (Employer Exhibit One) requires employees to contact the employer within three days of completing a job assignment, during the time the claimant worked at Dempco Printing, this requirement was waived by the employer. As a result, the claimant did not voluntarily quit his employment with the employer and Iowa Code 96.5-1-j does not apply to this case.

The claimant's employment with the employer is supplement employment. A claimant who becomes unemployed with his regular employer but remains in the employ of a part-time base period employer continues to be eligible to receive benefits and the part-time employer's account will not be charged as long as the claimant works in the same manager as he worked in his base period. 871 IAC 23.43(4). Since the claimant continues to work for the employer as he always has, he is eligible to receive benefits and the employer's account will not be charged.

DECISION:

The representative's February 24, 2019 decision (reference 01) is modified in the claimant's favor. The claimant did not voluntarily quit his part-time employment with the employer. Instead, he still works in the same manner that he has always worked for the employer. The work the claimant performs for the employer is supplemental employment. Therefore, the claimant is eligible to receive benefits and the employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs