

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RENNIE ALEXANDER
Claimant

APPEAL NO. 12A-UI-06700-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AVENTURE STAFFING & PROFESSIONAL
Employer

OC: 04/22/12
Claimant: Appellant (1)

Section 96.5-1-j – Voluntary Quit From Temporary Employment

STATEMENT OF THE CASE:

Rennie Alexander filed a timely appeal from an unemployment insurance decision dated May 29, 2012, reference 02, that disqualified her for benefits. After due notice was issued, a telephone hearing was held June 27, 2012 with Ms. Alexander participating. Human Resources representative Kayla Neuhalfen, participated for the employer, Adventure Staffing & Professional. Exhibit One was admitted into evidence.

ISSUE:

Did the claimant leave work with good cause attributable to the employer:

FINDINGS OF FACT:

Rennie Alexander worked for Aventure Staffing & Professional on assignment at Pioneer Hybrid from October 13, 2011 through April 18, 2012. On October 7, 2011 Ms. Alexander had received a separate written statement advising her that she must contact Aventure within three working days after the end of each assignment in order to seek reassignment. Ms. Alexander did not read the paper carefully. She did not contact the employer within three working days after April 18, 2012. She traveled to Chicago on April 30, 2012 to be with her mother who was hospitalized.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant's separation from employment should be treated as a voluntary quit without good cause attributable to the employer for unemployment insurance purposes. It should.

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 evidence in the record establishes that the employer complied with the statute by giving the claimant a separate written notice outlining her responsibility to contact the employer following the end of an assignment. The record establishes that Ms. Alexander did not do so. Had she done so and requested a delay in reassignment because of family health matters, the administrative law judge could have viewed the situation as a matter of availability rather than disqualification. Since she did not contact the employer, the administrative law judge concludes that the claimant must be disqualified for benefits.

DECISION:

The unemployment insurance decision dated May 29, 2012, reference 02, is affirmed. Benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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