

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

WILLIAM E KEA
Claimant

ADVANCE SERVICES INC
Employer

APPEAL 21A-UI-09514-ML-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 02/14/21
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit
Iowa Code § 96.5-1-j – Separation from Temporary Employer
Iowa Code § 96.6(2) – Timeliness of Appeal

STATEMENT OF THE CASE:

William Kea (claimant) appealed an Iowa Workforce Development March 24, 2021, decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 15, 2021. The claimant participated personally. The employer, Advance Services, Inc., participated through risk manager Melissa Lewein.

Employer's Exhibit A was offered and admitted into the evidentiary record.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds:

A decision that disqualified the claimant from receipt of unemployment insurance benefits was mailed to the claimant's correct address of record on March 24, 2021. The claimant received the decision prior to the appeal deadline listed on the decision. The decision contained a warning that an appeal must be postmarked or received by the Appeals Section by April 3, 2021. The decision also provides that if April 3, 2021, fell on a Saturday, Sunday, or legal holiday, the appeal period would be extended to the next working day. April 3, 2021, fell on a Saturday. The claimant filed his appeal on Monday, April 5, 2021. Thus, claimant's appeal was timely.

The employer is a temporary employment service and assigned the claimant to multiple clients.

Claimant signed a document on September 15, 2020, indicating he was to contact the employer within three working days following the completion of an assignment to request placement in a

new assignment. The document indicated the consequences of failing to contact/notify the employer within three working days. The claimant was given copies of the documents which were separate from the contract for hire.

The claimant performed services from approximately September 16, 2021, through February 5, 2021, at Corteva Agriscience in Reinbeck, Iowa. The Corteva job assignment ended on February 5, 2021. There is no record of claimant requesting reassignment on or after February 5, 2021.

Ms. Lewein confirmed continuing work was available to claimant had he not voluntarily quit his position.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant quit without good cause attributable to employer. Benefits are denied.

Iowa Code section 96.5(1)j provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. (1) 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.

(2) 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.

Iowa Admin. Code r. 871-24.26(15) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

Employee of temporary employment firm.

a. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm within three days of completion of an employment assignment and seeks reassignment under the contract of hire. The employee must be advised by the employer of the notification requirement in writing and receive a copy.

b. The individual shall be eligible for benefits under this subrule if the individual had good cause for not contacting the employer within three days and did notify the employer at the first reasonable opportunity.

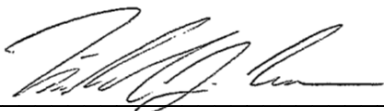
c. Good cause is a substantial and justifiable reason, excuse or cause such that a reasonable and prudent person, who desired to remain in the ranks of the employed, would find to be adequate justification for not notifying the employer. Good cause would include the employer's going out of business; blinding snow storm; telephone lines down; employer closed for vacation; hospitalization of the claimant; and other substantial reasons.

d. Notification may be accomplished by going to the employer's place of business, telephoning the employer, faxing the employer or any other currently accepted means of communications. Working days means the normal days in which the employer is open for business.

Claimant was advised in writing of his duty to request another assignment within three working days of an assignment ending. Claimant's assignment ended February 5, 2021. Claimant did not request another assignment. Claimant voluntarily quit his employment without good cause attributable to employer. Benefits are denied.

DECISION:

The appeal in this case was timely. The March 24, 2021 (reference 02) unemployment insurance decision is AFFIRMED. Claimant voluntarily quit without good cause attributable to employer. Benefits are denied until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



Michael J. Lunn
Administrative Law Judge
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July 9, 2021
Decision Dated and Mailed

mjl/kmj