

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY VANDERHAAG
Claimant

APPEAL NO. 06A-UI-09578-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EMPLOYMENT CONNECTIONS INC
Employer

**OC: 08/20/06 R: 01
Claimant: Appellant (1)**

Section 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

Timothy Vanderhaag (claimant) appealed an unemployment insurance decision dated September 22, 2006, reference 03, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Employment Connections, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 16, 2006. The claimant participated in the hearing. The employer participated through Bob Seggerman, Staffing Coordinator. 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:

Is the claimant disqualified because he failed to contact the temporary employment agency within three working days after the completion of his assignment when notified of this requirement at the time of hire?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was employed as a full-time dryer operator from November 2, 2005 through August 16, 2006. The assignment at which he was working was supposed to end on August 16, 2006, but the work extended through August 18, 2006 and the claimant was a no-call/no-show the last two days of work. Regardless of the completion date, the claimant did not contact the employer after the end of his assignment. The employer contacted the claimant to offer him work on September 11, 12 and 13, at which point he reported he had a job.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the

employer or if the employer discharged him for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-a. 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 ending a 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. The employer must also notify the individual that he may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5-1-j.

The evidence demonstrates the claimant was a no-call/no-show for the last two days of his assignment and failed to contact the employer at any time after he stopped working. He knew or should have known he was required to contact the employer after the end of his assignment so the employer could assign him to another job. The claimant did not satisfy the requirements of Iowa Code § 96.5-1-j and is disqualified from receiving unemployment insurance benefits as of August 20, 2006.

DECISION:

The unemployment insurance decision dated September 22, 2006, reference 03, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw