

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NEIL R GRABER**  
Claimant

**ADECCO USA INC**  
Employer

**APPEAL NO: 09A-UI-14721-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/16/09**  
**Claimant: Respondent (1)**

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

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated September 21, 2009, reference 01, that held the claimant completed his temporary assignment when he worked until April 8, 2009, and benefits are allowed. A telephone hearing was held on October 29, 2009. The claimant participated. Marsha Heck, Staffing Consultant, and Tom Kuiper, Representative, participated for the employer. Claimant Exhibit A was received as evidence.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witnesses, 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 the Department of Human Services (DHS)/State of Iowa beginning November 14, 2007. The claimant worked as a special project manager for the department at the child support recovery unit and targeted case management.

DHS ran out of funding to employ the claimant, and he was laid-off for lack of work on April 8, 2009. The employer had no comparable, suitable work assignments to offer the claimant, but he did stay in touch in case something would become available.

**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 the claimant voluntarily quit with good cause attributable to his employer when he completed his assignment on April 8, 2009, and the employer had no further work assignment for him.

The claimant made appropriate contacts with his employer, but it had no comparable, suitable work to offer to him.

#### **DECISION:**

The department decision dated September 21, 2009, reference 01, is affirmed. The claimant voluntarily quit with good cause attributable to his employer on April 8, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs