

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LEE A JEWETT
Claimant

APPEAL NO. 10A-UI-07843-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

**Original Claim: 04/11/10
Claimant: Respondent (1)**

Section 96.5-1-j – Completion of Temporary Job

STATEMENT OF THE CASE:

The employer appealed a representative's May 17, 2010 decision (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation was the result of nondisqualifying reasons. A telephone hearing was held on July 12, 2010. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the arguments of the claimant, 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 his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant has worked four years for the employer. The first two years, the employer assigned the claimant to work at Ryder. The last two years, the employer assigned the claimant to jobs at Heartland Paper Company. For at least the last two years, the employer called the claimant when Heartland Paper Company needed someone to work. Even if the employer's policy indicated employees were required to contact the employer for another job when an assignment had been completed, the employer did not require the claimant to do this when L. worked for the employer. L.'s employment ended in late December or early January 2010. The claimant finished a job at Heartland Paper Company on January 4, 2010. He did not contact the employer to inform the employer the job had been completed because he had not previously been required to do this. The employer did not let the claimant know that after L. left he would have to start contacting the employer after he completed an assignment or let the employer know that he was available to work. A representative from Heartland told the claimant in early January he would be needed again in late February or early March. The employer did not contact the claimant about working at Heartland Paper Company in late February or early March.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharged him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 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 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 § 96.5-1-j.

The facts establish the claimant completed a job assignment and did what he had for at least the last two years. He waited for the employer to contact him about another assignment. If the employer decided to no longer contact the claimant about assignments, the employer is obligated to inform the claimant about the change in procedure or the procedure that L. had established with the claimant. Under these facts, the claimant did not voluntarily quit his employment. Instead, he completed a job assignment and the employer did not assign him to another job. The claimant is qualified to receive benefits as of April 11, 2010.

DECISION:

The representative's May 17, 2010 decision (reference 01) is affirmed. The claimant's January 4, 2010 employment separation was the result of nondisqualifying reasons. As of April 11, 2010, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw