

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERESA J KIRKLAND
Claimant

APPEAL NO: 14A-UI-02194-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 01/19/14
Claimant: Appellant (1)

Iowa Code § 96.5(1)j – Voluntary Quit Temporary Employment Firm

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's February 19, 2014 determination (reference 01) that held her disqualified from receiving benefits and the employer's account exempt from charge because she voluntarily quit by failing to make a timely request for another assignment. The claimant participated at the March 19 hearing. Michael Payne, a risk benefits manager, and Candi Ashman, the office manager, appeared on the employer's behalf. During the hearing, Employer Exhibit One and Two were offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant make a timely request for another assignment when she was laid off from her most recent assignment?

FINDINGS OF FACT:

The claimant registered to work with the employer on August 10, 2013. The claimant went through the employer's orientation on August 15, 2013. During orientation, the employer had a copy of the employer's End of Assignment policy available for the claimant to take. The employer's policy informs employees they are required to contact the employer within three working days after an assignment ends to request another assignment. If an employee does not make a timely request, they can be considered to have voluntarily quit the employment. (Employer Exhibit Two.) When the employer assigned the claimant to work at Pella Corporation, the employer had the claimant sign an assignment sheet reminding her that she was the employer's employee, not Pella Corporation's employee. (Employer Exhibit One.)

The claimant started working at Pella Corporation on August 19, 2013. In mid-December 2013, a Pella Corporation human resource representative talked to the claimant and other temporary employees to let them know when they would be laid off and when approximately they would be called back to work.

On January 24, 2014, Ashman told the claimant she was laid off from work, but would be called back the second or third week of March. The claimant was called back to return to work on March 24, 2014. When Ashman told the claimant and others they were laid off, she asked the claimant and others to keep in contact. Ashman did not remind the claimant and other temporary employees they needed to ask the employer about another assignment. The claimant followed Ash's instructions to keep in touch and called the employer on February 3, 2014.

The claimant established a claim for benefits during the week of January 19, 2014. The claimant did not understand the requirement about asking for another job assignment when she was on a layoff from the Pella Corporation assignment.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if a claimant voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code § 96.5(1), (2)a. A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if she 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 in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if she fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

The facts establish the employer satisfied the requirements of Iowa Code § 96.5(1)j. Even though the evidence indicates the claimant did not understand that she needed to timely request another job assignment while she was laid off from the Pella Corporation assignment, the law does not allow her to receive benefits if she did make a timely request for another assignment. The employer could have provided better service to the claimant, other applicants and to its clients by simply reminding the claimant and others about the need to make a timely request for another job assignment while on a layoff from Pella, but did not. For unemployment insurance purposes, the claimant is not qualified to receive benefits as of January 19, 2014.

DECISION:

The representative's February 19, 2014 determination (reference 01) is affirmed. Since the claimant did not make a timely request for another assignment when she on a layoff from the Pella Corporation assignment, she is disqualified from receiving benefits as of January 19, 2014. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css