

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**XAVIER K ATKINSON**  
Claimant

**APPEAL NO. 14A-UI-09327-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QPS EMPLOYMENT GROUP INC**  
Employer

**OC: 01/26/14**  
**Claimant: Appellant (1)**

Iowa Administrative Code – 871 IAC 24.26(19) Voluntary quit spot or casual labor  
Iowa Code § 96.5(1)j – Voluntary Leaving – Temporary Employment

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the September 2, 2014 reference 02, decision that denied benefits. After due notice was issued, a hearing was held on September 30, 2014. The claimant participated. The employer participated through Rhonda Hefter de Santisteban, with witness Sandy Hernandez. Employer's Exhibit One was admitted in evidence.

**ISSUES:**

Whether claimant voluntarily quit his work from a temporary employment firm.

Whether claimant made a timely request for another job assignment.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant was employed through the employer performing various temporary work from December 4, 2012 through July 9, 2014. Claimant was assigned to work with Cedar Creek. Cedar Creek removed claimant from the assignment. The employer considered the assignment complete July 9, 2014. Claimant was asked to contact employer within three days of July 9. Claimant pursued other opportunities rather than contacting employer. Claimant did not request another job assignment from employer within three days of ending his assignment.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant did voluntary quit his employment.

The purpose of the Iowa Code 96.5-1-j is to provide notice to the temporary agency employer that the claimant is available for work at the conclusion of each temporary assignment so they may be reassigned and continue working. Before applying the statute, an examination of the

facts is required to determine if the employer and the claimant meet the definitions under the statute. The employer to be covered must be a "temporary employment firm." 96.5-1-j(2) A temporary employment firm is defined as a person engaged in the business of hiring temporary employees. "Temporary employees" are defined as: "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." 96.5-1-j(1).

The law requires "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 Code 96.5-1-j. The claimant did receive this document. The document (Employer's Exhibit One) does comply with this section.

The claimant is a temporary employee and is required to notify the temporary agency with three working days of the end of the assignment and of the availability to accept reassignment. In this case, the claimant gave the employer no notice of his availability and did not seek work from employer on July 12, 2014, therefore, is considered to have quit the employment without good cause attributable to the employer, and is further considered not to have made a timely request for another job assignment. Benefits are denied.

**DECISION:**

The September 2, 2014, reference 02, decision is affirmed.

Unemployment insurance benefits shall be withheld 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.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/pjs