

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LISA L PIKE
Claimant

APPEAL NO: 14A-UI-13195-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 07/13/14
Claimant: Respondent (1)

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

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's December 15, 2014 (reference 02) determination that held the claimant qualified to receive benefits and the employer's account subject to charge because her employment separation was for non-disqualifying reasons. The claimant participated at the January 20 hearing. Colleen McGuinty and Shelby Kingery, the branch manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge the claimant is qualified to receive benefits based on this employment separation.

ISSUE:

Did the claimant voluntarily quit this employment for reasons that do not qualify her to receive benefits or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant registered to work with the employer on August 22, 2014. When the claimant registered to work for the employer, she signed a document informing her that when she completed a job assignment she was required to contact the employer within three days for another assignment. The claimant understood this requirement.

The employer assigned the claimant to a job on September 3. On November 24, 2014 the client informed the employer that the claimant was no longer needed. The employer left the claimant a message that she had no longer worked at this assignment.

After receiving the message, the claimant called the employer's office twice on Tuesday, November 25. She also called on Wednesday, November 26. The claimant asked the employer's representative, "What is the next step?" The response was that the employer would call her if any job came up that she could do. The claimant learned the employer's office was closed on Thanksgiving and the day after Thanksgiving. The claimant also went to the employer's office. When the employer did not contact her about another job assignment, the claimant started looking for other work.

The claimant reopened her claim for benefits during the week of November 23. She filed claims for the weeks ending November 29, 2014 through January 10, 2015. She received a gross benefit payment of \$1268 for these weeks.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she 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.

Even though Kingery had no knowledge the claimant contacted the employer the afternoon of November 25 and 26, the claimant's testimony is credible. The claimant may not have explicitly said do you have another assignment for me, she asked what is next. The representative that talked to the claimant understood the claimant was asking about another job and told her the employer would contact her when there was another job assignment for her. Based on the evidence presented during the hearing, the claimant satisfied the requirements of Iowa Code § 96.5(1)j. As of November 23 the claimant is qualified to receive benefits.

The employer is not one of the claimant's base-period employers. During the claimant's current benefit year, the employer's account will not be charged.

DECISION:

The representative's December 15, 2014 (reference 02) determination is affirmed. The claimant did not voluntarily quit this employment. As of November 23, 2014 the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/can