

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANTHONY L COLLINS
Claimant

APPEAL NO. 12A-UI-03816-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**L A LEASING INC
SEDONA STAFFING**
Employer

**OC: 03/04/12
Claimant: Appellant (1)**

Section 96.5-1-j – Voluntary Quit/Failure to Seek Re-Assignment

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated April 5, 2012, reference 01, that held claimant voluntarily quit without good cause when he failed to seek re-assignment on March 2, 2012, and which denied benefits. A telephone hearing was held on April 30, 2012. The claimant participated personally and with witnesses Laticia Velasquez and Levell Sanders. Chad Baker, workers' compensation administrator, and Sammy Teel, account manager, participated for the employer.

ISSUE:

Whether claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds: The claimant first began work on assignment on January 24, 2010, and he signed an employer availability statement policy that provides he must seek re-assignment within three days of job completion. The claimant last worked a temporary assignment at Oystar in Davenport from February 29, 2012, to when it was completed on March 2. The claimant did not contact the employer for work until he spoke with employer representative Kendra on March 12. When he was later offered work by the employer in March, he was unable to make arrangements to do the work.

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 without good cause attributable to his employer on March 2, 2012, when he failed to seek re-assignment within three days from his assignment completion on that day.

The employer keeps a record of employees who contact it for work, and it has no record the claimant contacted the employer for re-assignment within three working days. The employer receptionist identifies herself when called, and claimant could name this person other than his contact with Kendra on March 12. In addition, the claimant did not make himself available for work after March 12 that was offered to him.

DECISION:

The department decision dated April 5, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause on March 2, 2012. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw