

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**TIMMY BURTON**  
Claimant

**L A LEASING INC**  
Employer

**APPEAL NO. 16A-UI-05713-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/04/15**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated May 11, 2016, reference 09, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 7, 2016. Employer participated by Emelia Leeney and Joe Vermeulen. Claimant failed to respond to the hearing notice and did not participate. Employer's exhibit one was admitted into evidence.

**ISSUE:**

Did the claimant quit by not reporting for an additional work assignment within three business days of the end of the last assignment?

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant was first applying to work for employer in June of 2015. On June, 24, 2015 claimant filled out a document stating that he understood that he must be in contact with employer within three days of the ending of an assignment (Ex. 1). The document further stated failure to contact employer might endanger claimant's ability to receive unemployment benefits.

The branch manager of the office claimant worked out of stated that claimant started his most recent assignment on April 26, 2016. He worked through April 28, 2016. On April 29, 2016 claimant called off work, alerting employer that his child was sick and he needed to stay with the child. Employer stated that on May 2, 2016 – the next scheduled work date – claimant called employer to state that this placement wasn't working for him and he wanted to quit the assignment. On May 4, 2016 claimant called employer and asked for another placement – preferably with the previous client, Nordstrom's.

Employer did substantially participate in fact finding in this matter.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is eligible to receive unemployment benefits as claimant followed instructions from employer and the Iowa Code.

Iowa Code § 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 purpose of the statute 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. The plain language of the statute allows benefits for a claimant "who notifies the temporary employment firm of completion of an employment assignment *and* who seeks reassignment." (Emphasis supplied.)

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for and seeking work at the end of the temporary assignment. Since he contacted the employer within three working days of the notification of the end of the assignment, requested reassignment, and there was no work available, benefits are allowed, provided he is otherwise eligible.

The issue of claimant's receipt of benefits is moot.

The issue of employer's participation is moot.

**DECISION:**

The May 11, 2016, (reference 09) unemployment insurance decision is affirmed. The claimant's separation from employment was attributable to the employer. The employer had adequate knowledge about the conclusion of the claimant's assignment and the request for more work but had no further work available at the time. Benefits are allowed, provided the claimant is otherwise eligible.

---

Blair A. Bennett  
Administrative Law Judge

---

Decision Dated and Mailed

bab/pjs