

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ARRON J TILLMAN
Claimant

APPEAL NO. 14A-UI-02096-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

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

Section 96.5-1 – Voluntary Quit
Section 96.5-1-j – Separation from Temporary Employment

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated February 13, 2014, reference 02, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on March 28, 2014, in by telephone conference call. The claimant participated personally. Employer participated by Michael Payne, risk management, and Candi Ashman, office manager. The record consists of the testimony of Arron Tillman; the testimony of Michael Payne; the testimony of Candi Ashman; Claimant's Exhibit A; and Employer's Exhibits 1 and 2.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a temporary staffing agency. The claimant accepted an assignment at Pella Corp, which began on August 19, 2013. He was a full-time general laborer. The assignment ended on January 10, 2014. The claimant did not request another assignment within three working days of the end of the assignment. He first contacted the employer on February 17, 2014. The claimant signed a separate Iowa form, which stated that he would be considered a voluntary quit if he did not request another assignment within three working days. He was given a copy of the form.

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 claimant is not eligible for unemployment insurance benefits. The claimant was required to contact the employer within three days after the end of the assignment in order to request another assignment or be considered a voluntary quit. The claimant did not make any contact until February 17, 2014. The employer has no record of any contact prior to February 17, 2014. The employer complied with the provisions of Iowa law by having the claimant sign a separate form and by providing the claimant with a copy of the form, which stated that the claimant would be considered a voluntary quit if he did not contact the employer within three working days of the end of the assignment.

DECISION:

The decision of the representative dated February 13, 2014, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until the 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.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs