

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIAN D TAYLOR
Claimant

APPEAL NO: 15A-UI-12238-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 10/04/15
Claimant: Appellant (2)

Section 96.5(1) – Voluntary Leaving
871 IAC 24.26(19 & 22) – Voluntary Leaving
Section 96.5-1-j – Reassignment from Employer

STATEMENT OF CASE:

The claimant filed a timely appeal from the October 29, 2015, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on November 19, 2015. The claimant participated in the hearing. Michael Payne, Risk Manager, participated in the hearing on behalf of the employer. Employer's Exhibits One through Three were admitted into evidence.

ISSUE:

The issue is whether the claimant voluntarily left his employment and whether he sought reassignment from the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time packer for Advance Services last assigned to Cardinal Glass from April 22, 2015 to August 31, 2015. The claimant's assignment ended due to a lack of work. He completed the assignment.

He received a message to call the employer August 31, 2015 and was notified the assignment was over. When he called he spoke to a female receptionist and asked if the employer had another assignment available. The employer told the claimant about a potential assignment at Osceola Foods and told him to speak to Jose in the Osceola office. The claimant contacted Jose and he said he would get back to the claimant and put him on availability list after he updated the claimant's information. Jose told the claimant to call him at least once per week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation was not disqualifying.

Iowa Code § 96.5-1 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.

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 employer agrees the claimant completed his last assignment, which ended due to a lack of work. The remaining question is whether the claimant made a timely request for another job assignment. The administrative law judge concludes he did. The claimant was told to contact the employer after being notified his assignment was over and called the office. During that call

he asked for an additional assignment and was given a lead regarding an assignment at Osceola Foods. The employer told him to call Jose and the claimant did so and maintained contact with him. Consequently, the claimant satisfied the employer's requirements of seeking reassignment within three business days upon the completion of an assignment. Therefore, benefits are allowed.

DECISION:

The October 29, 2015, reference 01, decision is reversed. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

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