

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSEPH W WILSON**  
Claimant

**APPEAL NO: 11A-UI-08939-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 06/05/11**  
**Claimant: Respondent (1)**

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

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's June 30, 2011 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation was for nondisqualifying reasons. The claimant participated in the hearing. Jessica Braun appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The claimant registered to work for the employer's clients as early as February 2010. When the claimant registered to work, he received a copy of the employer's policies and procedures. The employer's policy requires employees to report to the employer within three days after an assignment ends or the employer could consider the employee to have voluntarily quit his employment.

The assignment at issue started on March 2, 2011. The employer gave the claimant a job assignment sheet when he began this job. On the assignment sheet, the employer informed the claimant that if he leaves an assignment or the assignment ends, he must contact the employer for another assignment.

The client informed the claimant on April 11 that his services were no longer needed. The claimant went to the employer's office on April 11 and talked to a representative to see if the employer had another job to assign for him. The claimant was told the employer did not have another job to assign to him.

The claimant picked up his final paycheck on April 15. He asked the person handing out the checks if the employer had another job for him. The claimant was told that when the employer had another job, he would be contacted.

The employer's records indicate the client contacted the employer to report the client ended the claimant's assignment because he had not called or reported to work on Saturday and was an hour late for work on Monday, April 11. The employer's computer record did not indicate the claimant had asked about another job assignment on April 11 and 15.

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual 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 the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5(1)j.

This case centers on the credibility of the witnesses. The evidence establishes the claimant understood he needed to contact the employer when a job assignment ended. The claimant testified that he went to the employer's office on April 11 and 15 and asked about another job assignment both days. The employer's computer records do not, however, verify the claimant's testimony. The claimant described the female he talked to on April 11, but did not describe the person he talked to on Friday when he picked up his check. Even though the employer's computer records do not indicate the claimant went to the employer's office on April 11, the claimant's testimony is credible. Therefore, he established that he satisfied Iowa Code § 96.5(1)j. Based on the reasons for this employment separation, the claimant is qualified to receive benefits June 5, 2011.

#### **DECISION:**

The representative's June 30, 2011 determination (reference 01) is affirmed. The claimant satisfied Iowa Code § 96.5(1)j. Therefore, as of June 5, 2011, he is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account is subject to charge.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs