

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GAIL A HOST**

Claimant

**APPEAL NO: 13A-UI-07136-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QPS EMPLOYMENT GROUP INC**

Employer

**OC: 5/19/13**

**Claimant: Appellant (1)**

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

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's June 14, 2013 determination (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge because he had voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. Rhonda Hefter, the human resource supervisor, and Lynn Pedersen, a placement specialist, 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 not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that do not 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, a temporary staffing firm, in late November 2012. The employer assigned him to a job at Winfield Solutions. This assignment started on January 10, 2013. When the claimant registered to work for the employer, he received a copy of the employer's policy that informed him he was required to contact the employer for another assignment within three days of completing an assignment or the employer would consider him to have voluntarily quit this employment relationship.

The last day the claimant worked at Winfield Solutions was May 13, 2013. He understood he had completed his assignment for the season would be called back to work anywhere from October to next January.

The claimant called the employer on May 15 and talked to Pedersen. He advised her that he had completed his assignment but was not looking for another assignment because he would wait until Winfield Solutions called him back to work.

**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. A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if he 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 in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if he fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

The claimant understood he was required to contact the employer within three days of completing an assignment and he did. The claimant, however, told Pedersen he did not want another assignment because was going to wait to be called back to work at Winfield Solutions. When the claimant indicated he was not interested in another assignment, he effectively quit his employment relationship with the employer.

If the employer had not satisfied the requirements of Iowa Code § 96.5(1)j, the claimant's availability would be at issue. The law presumes a claimant is not eligible to receive benefits when he is waiting to be recalled to work for a specific employer or client and will not consider suitable work with other employers or clients. 871 IAC 24.23(20).

As of May 19, 2013, the claimant is not qualified to receive benefits because he voluntarily quit his employment relationship with the employer.

**DECISION:**

The representative's June 14, 2013 determination (reference 02) is affirmed. The claimant voluntarily quit his employment. Even though the claimant contacted the employer within three days of completing an assignment, he informed the employer he was not interested in another assignment but, instead would wait to be recalled by the client he had just finished working for. Under Iowa Code § 96.5(1)j, the claimant voluntarily quit this employment relationship without good cause attributable to the employer. As of May 19, 2013, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css