

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MATTHEW H SMITH**  
Claimant

**APPEAL NO. 12A-UCX-00006-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ENTELEE INC**  
Employer

**OC: 05/22/11  
Claimant: Appellant (2)**

Iowa Code § 96.5(1)j – Voluntary Leaving (Temporary Assignment)  
Iowa Code § 96.4(3) – Ability to and Availability for Work

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the February 15, 2012 (reference 03) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on March 13, 2012. Claimant participated. Employer participated through Division Manager Brenda Wiese.

**ISSUE:**

Did claimant voluntarily leave the employment with good cause attributable to employer and was he able to and available for work effective November 13, 2011?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a temporary test technician at Case New Holland in Burlington and was separated from employment on November 15, 2011. Brent Link of Entegee told him his contract was terminated because he failed to contact his supervisor at Case for unspecified absences. There was no further work available. Link had told claimant he could contact him and he would contact the Case supervisor on his behalf. His foot was broken at work on October 26, 2011 and was given light-duty restrictions of use of a walking boot with limited standing and walking. He was released to full duty without restrictions in a regular shoe December 1, 2011. The employer claimed he signed a reporting notice on July 11, 2011, but there is no specific deadline for reporting. Claimant does not recall the reporting document and the employer did not present one at hearing. He did not apply for further work because of the way they handled the work injury.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left employment with good cause attributable to the employer.

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.

871 IAC 24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code § 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code § 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this

circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

Since employer provided no evidence that it presented claimant with a written copy of the reporting policy, claimant's recollection that he did not receive notice of the reporting policy is credible. Without that, claimant was reasonable to opt to look for work elsewhere or to report for additional work when he did. Benefits are allowed.

**DECISION:**

The February 15, 2012 (reference 03) decision is reversed. The claimant's separation from employment was attributable to the employer. The employer had adequate knowledge about the conclusion of the claimant's assignment but had no further work available at the time. Benefits are allowed, provided the claimant is otherwise eligible. The benefits withheld shall be paid to claimant.

---

Dévon M. Lewis  
Administrative Law Judge

---

Decision Dated and Mailed

dml/kjw