

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUZANNE M LANG
Claimant

APPEAL NO. 12A-UI-08329-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES
Employer

OC: 05/27/12
Claimant: Respondent (1)

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The employer, Express Services, filed an appeal from a decision dated July 6, 2012, reference 01. The decision allowed benefits to the claimant, Suzanne Lang. After due notice was issued, a hearing was held by telephone conference call on August 6, 2012. The claimant participated on her own behalf. The employer participated by Branch Manager Matt Timmerman.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Suzanne Lang began employment with Express July 14, 2010, and is currently still employed. Prior to filing her current claim, Ms. Lang was assigned go Rite-Hite from March 12 to May 18, 2012. The assignment ended because the client company no longer needed the additional help. The same day she was informed of the end of the assignment, she contacted the temporary agency to request more work. She accepted her current assignment June 25, 2012.

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 did not quit but was laid off from her last assignment and immediately requested more work. Under the provisions of the above Code section, this is not a voluntary quit and the claimant is qualified for benefits.

DECISION:

The representative's decision of July 6, 2012, reference 01, is affirmed. Suzanne Lang is qualified for benefits, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw