

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM M ROBERTS
Claimant

APPEAL NO: 15A-UI-01741-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 01/18/15
Claimant: Appellant (2)

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's February 5, 2015 (reference 01) determination that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit this employment by failing to timely request another assignment. The claimant participated at the March 10 hearing. Sarah Fiedler appeared on the employer's behalf. During the hearing, Employer Exhibit One was offered and admitted as evidence. 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 this employment for reasons that qualify him to receive benefits, or did the employer discharge him or work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary staffing agency. The claimant registered to work for the employer's clients in mid-October 2014. On October 16, 2014 the claimant signed and received a copy of the employer's notification requirements. The policy informed the claimant that upon completion of an assignment, he must request a new assignment within three days. If he does not, the employer considers him to have voluntarily quit (Employer Exhibit One).

The claimant started working at an assignment on October 27, 2014. On January 19, 2015 an employer's representative contacted the claimant to inform him he had completed the assignment. During this conversation the claimant asked the representative if he needed to do anything else he needed to do. When he was told no, the claimant assumed all he needed to do was wait for the employer to contact him about another assignment.

The claimant established a claim for benefits during the weeks of January 18, 2015. The employer is not one for the claimant's base period employers.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause 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 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 facts establish the employer contacted the claimant on January 19 to inform him that his job assignment was completed. The employer's representative did not mention any other assignment. During this conversation, the claimant did not specifically ask "Do you have another job to assign to me?" Instead, he asked the representative if she knew if there was anything else he needed to do. The answer was no. Based on this conversation, the representative could have reasonably believed the claimant wanted to know about any of other assignments after learning in his job assignment had just ended. When the representative did not mention another assignment, the claimant reasonably believed the employer did not have another assignment for him that day but that he would be contacted when the employer had another assignment for him. Under these circumstances, the claimant did not voluntarily quit. Even though he did not specially ask for another assignment, he inferred that he wanted another job by asking what he needed to do next. The claimant did not voluntarily quit the employer. As of January 18, 2015 the claimant is qualified to receive benefits.

Since the employer is not one of the claimant's base-period employers, the employer's account will not be charged during the claimant's current benefit year.

DECISION:

The representative's February 5, 2015 (reference 01) determination is reversed. The claimant did not voluntarily quit his employment. Instead, he completed an assignment and asked the employer's representative what he needed to do next when he learned the assignment was over. Based on this employment separation, as of January 18, 2015, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/can