

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KYLE S MINTON**  
Claimant

**TEAM STAFFING SOLUTIONS INC**  
Employer

**APPEAL 17A-UI-08148-DL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/16/17  
Claimant: Respondent (2)**

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

**STATEMENT OF THE CASE:**

The employer filed an appeal from the August 3, 2017, (reference 01) unemployment insurance decision that allowed benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on August 28, 2017. Claimant participated. Employer participated through human resources generalist/workers' compensation facilitator Sarah Fiedler.

**ISSUE:**

Did claimant quit by not reporting for additional work assignments within three business days of the end of the last assignment?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time assembler assigned at Winegard through June 20, 2017, when the assignment ended. On-site account manager Steven Janek notified him verbally of the end of the assignment. Janek does not handle assignments outside of Winegard. Claimant did not request another assignment at that time or within three working days. Nor did he request another assignment after his eye healed or provide a medical excuse or release. Claimant received the employer's policy that requires, within three working days of the end of the assignment, the employee notify the employer of their availability for work and ask for another assignment so they may be reassigned and continue working. The next communication was on August 25, 2017, when the employer (Barb) called claimant about an assignment at KPI. He was not able to accept the assignment because he does not have a valid driver's license. Claimant was not paid any weeks of unemployment insurance benefits since filing the claim effective July 16, 2017.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

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. (1) 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.

(2) 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.

(3) For the purposes of this lettered paragraph:

(a) "*Temporary employee*" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their workforce during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(b) "*Temporary employment firm*" means a person engaged in the business of employing temporary employees.

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for work at the conclusion of each temporary assignment so they may be reassigned and continue working. The plain language of the statute allows benefits for a claimant "who notifies the temporary employment firm of completion of an assignment *and* who seeks reassignment." (Emphasis supplied.)

In this case, the employer had notice of the claimant's availability because it notified him of the end of the assignment but claimant did not request another assignment. Although claimant and Janek might have discussed another possible assignment, Janek does not handle non-Winegard assignments and claimant did not seek details from the Burlington office. Assuming the eye injury is credible, claimant did not contact Team Staffing for work after his eye healed. Further, claimant volunteered that he was no longer interested in factory work and that he does not have a driver's license for a different assignment. Therefore, he is considered to have quit the employment without good cause attributable to the employer.

#### **DECISION:**

The August 3, 2017, (reference 01) unemployment insurance decision is reversed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten

times his weekly benefit amount, provided he is otherwise eligible. Since no benefits were paid for the two weeks of claims, no overpayment is established.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/rvs