

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TONY V MOORE
Claimant

APPEAL NO. 10A-UI-01329-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

DES STAFFING SERVICES INC
Employer

**Original Claim: 11/29/09
Claimant: Appellant (1)**

Section 96.5-1-j – Voluntary Quit/Assignment Notification

STATEMENT OF THE CASE:

The claimant appealed a department decision dated January 20, 2010, reference 03, that held he voluntarily quit without good cause attributable to his employer on April 15, 2009, and that denied benefits. A telephone hearing was held on March 1, 2010. The claimant did not participate. John Duncan, Representative, and Stacy Navarro participated for the employer.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered the evidence in the record, finds: The employer is a temporary employment firm. The claimant worked for the employer on an assignment beginning March 23, 2009 to April 11. When the assignment ended, the claimant failed to notify the employer regarding his availability for further work, and he was terminated on April 15.

The claimant was not available when called for the hearing.

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 administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer when he completed the assignment on April 11, 2009, and failed to notify the employer of his availability for any further work assignment within three days.

The employer policy is to contact the employer within three days of completion of assignment. The claimant failed the notification requirement, which is considered a quit without good cause.

DECISION:

The department decision dated January 20, 2010, reference 03 is affirmed. The claimant voluntarily quit without good cause attributable to his employer on April 15, 2009. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw