

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CAROLINE D WISE

Claimant

APPEAL NO. 12A-UI-11183-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC

Employer

OC: 07/29/12

Claimant: Respondent (1)

Section 96.5-1-j – Voluntary Quit/Failure to Seek Re-Assignment

STATEMENT OF THE CASE:

The employer appealed from a representative's decision dated September 5, 2012, reference 05, that held claimant completed a temporary job on September 10, 2011, and which allowed benefits. A telephone hearing was held on October 11, 2012. The claimant did not participate. Melissa Minkler, CSR, participated for the employer. Employer Exhibit 1 was received as evidence.

ISSUE:

Whether claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the witness testimony and having considered the evidence in the record, finds that: The claimant began work on August 3, 2011, and she signed an employer policy that provides she must seek re-assignment within three days of job completion. The claimant last worked an assignment on September 10 that she completed.

Claimant failed to respond to the hearing notice.

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 with good cause attributable to her employer on September 10, 2011 due to completing a temporary job. The employee agrees claimant completed her temporary job assignment.

The employer witness did not have personal knowledge of claimant's work and she could not identify the business claimant worked for due to a lack of employer records. The employer offered sign-in for work sheets that pre-date the September 10 job completion date and are of no value as to whether claimant signed up for work for the three-day working period after it. The hearsay statement from a co-worker to the employer CSR witness is not sufficient to establish claimant failed to seek work in the absence of any other corroborative evidence.

DECISION:

The department decision dated September 5, 2012, reference 05, is affirmed. The claimant voluntarily quit with good cause on September 10, 2011, due to completion of a temporary job assignment. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw