

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANTHONY G RAZO**

Claimant

**LABOR READY MIDWEST INC**

**LABOR READY MIDWEST**

Employer

**APPEAL NO. 10A-UI-07163-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/21/10**

**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 May 3, 2010, reference 02, that held the claimant eligible for benefits by completing his temporary assignment on November 7, 2009. A telephone hearing was held on July 6, 2010. The claimant did not participate. Maureen Rodgers, Administrative Assistant, participated for the employer.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge, having considered the evidence in the record, finds that: The claimant began work on August 4, 2008, and he performed day-labor assignments thru November 4, 2009. When the claimant turned-in his ticket on November 4 for payment, it said that he would not be needed at that assignment the following day. The employer had no further work to offer the claimant at that time. The employer still has the claimant on his employment rolls.

The claimant did not 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 completed his temporary assignment with notice to the employer on November 4, 2009, and made himself available for further work, but none was offered to him.

The employer knew the claimant completed his day-work assignment when he turned his ticket for pay on November 4th that satisfied the notification requirement. The employer did not offer the claimant further work.

#### **DECISION:**

The department decision dated May 3, 2010, reference 02, is affirmed. The claimant completed his temporary assignment and is entitled to benefits effective November 4, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs