

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTINA D KELLY
Claimant

APPEAL NO. 14A-UI-01528-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 01/05/14
Claimant: Respondent (1R)

Section 96.5-1 – Voluntary Quit
Section 96.5-2-a – Separation from Temporary Employment

STATEMENT OF THE CASE:

The employer filed an appeal from a representative's decision dated February 5, 2014, reference 01, which held that the claimant was eligible for unemployment insurance benefits. After due notice, a hearing was held on April 15, 2014, by telephone conference call. The claimant provided a telephone number at which she was supposed to be available but she did not answer the phone when called by the administrative law judge. A detailed message was left for the claimant on how to respond to the hearing notice. The employer participated by Tori Bronson, front office coordinator.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a staffing agency. The claimant accepted an assignment to work at Rain and Hail LLC from June 13, 2013, through October 8, 2013. She did clerical work and data entry. The assignment ended on October 18, 2013. The claimant requested another assignment when she was told that the assignment was ending.

The employer called the claimant on October 9, 2013, regarding several job opportunities. The claimant never returned the calls.

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 claimant is eligible for unemployment insurance benefits. The claimant's assignment was ended and she immediately requested another assignment. She did not voluntarily quit her job.

The representative set this decision up as a separation case. The employer does not dispute that the claimant was laid off and requested another assignment. The issue the employer wants to pursue is whether the claimant refused an offer of suitable work when she did not return calls placed to her on October 9, 2013, concerning other offers of employment. This case is therefore remanded to the department to consider whether the claimant is able and available for work and whether she refused an offer of suitable work.

DECISION:

The decision of the representative dated February 5, 2014, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible. This matter is remanded to the department to determine whether the claimant was able and available for work and whether the claimant refused an offer of suitable work.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs