

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**JULIE M HARGRAVE**  
Claimant

**L A LEASING INC**  
Employer

**APPEAL NO. 17A-UI-05745-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/30/17 R: 03  
Claimant: Respondent (2)**

Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment  
Iowa Code § 96.3-7 – Recovery of Overpayment of Benefits  
871 IA Admin. Code 24(10) – Employer Participation in Fact Finding

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated May 24, 2017, reference 03, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 16, 2016. Claimant participated personally. Employer participated by Colleen McGuinty and Shelby Kingery. Employer's Exhibit 1 was admitted into evidence.

**ISSUES:**

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

Whether claimant was overpaid benefits?

If claimant was overpaid benefits, should claimant repay benefits or should employer be charged due to employer's participation or lack thereof in fact finding?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was last assigned at Ennis Business Forms from February 27, 2017, and was separated from the assignment, but not the employment, on April 21, 2017. Employer notified the claimant on that date that the assignment had ended. Claimant did not request placement in a new assignment pursuant to the employer's notification requirement. Claimant no longer wished to work for employer after the end of the assignment.

Employer does have a policy that complies with the specific terms of Iowa Code § 96.5(1)j.

Employer did substantially participate in fact finding in this matter.

Claimant has received unemployment benefits in this matter.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation was not with good cause attributable to the employer.

Iowa Code § 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 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 employment assignment *and* who seeks reassignment." (Emphasis supplied.) In this matter, claimant did not choose to continue working for employer, so she had no further contact. Absent further contact, claimant is deemed to have voluntarily quit her employment. Claimant has not shown good cause for her quit that is attributable to employer.

Claimant has received unemployment benefits in this matter. Said payments received by claimant are overpayments.

Employer did substantially participate in fact finding in this matter. As this is the case, employer's account shall not be charged for overpayments received by claimant.

**DECISION:**

The May 24, 2017, (reference 03) decision is reversed. The claimant's voluntary quit from employment was not attributable to the employer. Benefits are withheld until such time as he works in and has been paid for wages equal to ten times her weekly benefit amount, provided she is otherwise eligible. Benefit amounts received by claimant are overpayments and shall be repaid by claimant. Employer's account shall not be charged for overpayments received.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/scn