

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELLE A MARTI
Claimant

APPEAL NO. 14A-UI-01233-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

**OC: 12/29/13
Claimant: Appellant (2)**

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The claimant, Michelle Marti, filed an appeal from a decision dated January 30, 2014, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on February 25, 2014. The claimant participated on her own behalf. The employer, Express Services, participated by Staffing Consultant Jodi Korleski.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Michelle Marti was employed by Express from June 25, 2012 until December 28, 2012. Her last assignment was at Behr Iron and Steel and it ended December 28, 2012, due to lack of work. Ms. Marti did contact the temporary agency to request more work and was told nothing was available at time but the agency would let her know. After a period of time without any job offers Ms. Marti took herself off availability to attend school.

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 completed her assignment as required and did contact the employer within three days to request more work. None was available. She complied with the requirements of the above Code section and disqualification may not be imposed.

DECISION:

The unemployment insurance decision dated January 30, 2014, reference 02, is reversed. Michelle Marti is qualified for benefits, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs