

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DAVID CONLEY
Claimant

ADVANCE SERVICES INC
Employer

APPEAL NO. 14A-UI-11013-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/18/14
Claimant: Appellant (1)

Iowa Code § 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

David Conley (claimant) appealed an unemployment insurance decision dated October 10, 2014, (reference 07), which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Advance Services, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 12, 2014. The claimant participated in the hearing. The employer participated through Risk Manager Michael Payne.

ISSUE:

The issue is whether the claimant is disqualified for failure to contact the temporary employment agency within three working days after the completion of his assignment to request additional work, when and if notified of this requirement at the time of hire.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment agency and the claimant was hired on August 7, 2014. At the time of hire, he signed a Job Assignment Sheet and an End of Assignment Policy, which advised him of the requirement to check in for additional work after the completion of an assignment. The employer requires employees to check in within three working days after an assignment ends to provide the employer notification of the claimant's availability and failure to do so would be considered a voluntary quit. The claimant was given a copy of the End of Assignment Policy, which is not part of the application or contract of employment.

The claimant was assigned to Pella Corporation on August 11, 2014, but the contract employer ended his assignment on August 20, 2014, because the claimant was not a good fit. The on-site manager, Trudy, called the claimant to speak to him about the end of an assignment. The employer's records do not reflect that the claimant requested additional work. However, the claimant testified that he asked Trudy if she had any additional work and she said she did not so he believes he has satisfied his "requirement." The claimant did not contact the employer at any

time after that to request additional work because he “satisfied” his “requirement.” He admitted in his later testimony that Trudy told him to call Mike at the main office to ask about a job and the claimant did not call Mike because the temp job scared him.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant’s separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1. The employer herein is a temporary employment agency and temporary employment agencies are governed by Iowa Code §96.5-1-j, which places specific restrictions on both the employer and the employee with regard to unemployment insurance benefits.

To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and the employer did so in this case. The employer must also notify the individual that he may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer and fails to request additional work. Iowa Code § 96.5-1-j. The claimant was given a copy of the End of Assignment Policy, which advised him that failure to follow these instructions would be considered a voluntary quit.

The evidence indicates the claimant knew or should have known he was required to contact the employer and request additional work within three days after the completion of his assignment. His contention that he has complied with the above-mentioned code section is not supported by the evidence. While he mentioned something to the onsite manager Trudy about another assignment, Trudy directed him to contact Matt at the main office to inquire about a job and the claimant elected not to do so. He has not established good cause for his failure to do so. The claimant has not complied with Iowa Code §96.5-1-j. Benefits are therefore denied.

DECISION:

The unemployment insurance decision dated October 10, 2014, (reference 07), is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs