

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
Website: eab.iowa.gov**

GREG F POST

Claimant

and

EXPRESS SERVICES INC

Employer

: **APPEAL NUMBER:** 23B-UI-09388

: **ALJ HEARING NUMBER:** 23A-UI-09388

:

: **EMPLOYMENT APPEAL BOARD**

:

DECISION

:

:

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NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-2 96.5-1

DECISION

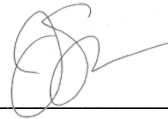
UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

The Board adds the following to the Reasoning and Conclusions of Law:

The Iowa Supreme Court explained that Code section 96.5(1) “establishes a general rule that ‘voluntary quitting’ disqualifies an individual from unemployment benefits. However, an individual is not disqualified if 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.’ Additionally, an individual is deemed to have voluntarily quit if the individual fails to notify the temporary employment firm of completion of an assignment within three working days (subject to certain qualifications).” *Sladek v. EAB*, 939 N.W.2d 632, 638 (Iowa 2020). The Court summarized this discussion as “the statute contains (1) a rule, (2) an exception to the rule, and (3) an exception to the exception to the rule.” *Id.*

In this case, the Claimant did not leave the assignment, but was told the assignment had ended. He reported to the employer that the assignment was ended within three days. This being the case paragraph "j" is not in play when dealing with the loss of the assignment. **But** as in *Sladek*, the Claimant did express that he was actually quitting work not just with the assignment but with the temporary employer. He could thus only avoid disqualification if he falls within an exception to the quitting disqualification, or had good cause attributable to the temporary employer. We cannot find good cause on this record. It is at *this point* that paragraph "j" comes into play. The Claimant did not request reassignment within a reasonable time of his expression on an intent to retire. As in *Sladek*, he is thus disqualified and is not saved by the paragraph "j" exception.



James M. Strohman



Ashley R. Koopmans



Myron R. Linn

RRR/fnv

DATED AND MAILED: DEC 06 2023