

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GORGONIO LARIOS
Claimant

APPEAL NO. 10A-UI-16543-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

**OC: 10/10/10
Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated November 18, 2010, reference 04, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on January 20, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing with his representative, Charles Pierce, and a witness, Shirley Larios. Colleen McGuinty participated in the hearing on behalf of the employer with a witness, Rhonda Stout. Exhibits One and A and B were admitted into evidence at the hearing.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked full time on an assignment at Modine Manufacturing from July 14 to October 11, 2010. When the claimant was hired, he signed a statement that he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant was informed on October 11 that his assignment at Modine Manufacturing had ended. He contacted the employer on October 12 to find out why the assignment had ended. He also asked if they had another assignment for him but was told no.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a

new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing of the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. The claimant is not disqualified under Iowa Code § 96.5-1-j. I believe the claimant's testimony, corroborated by his wife, that he called on October 12 and asked if the employer had further work. As a result, the evidence establishes the claimant was laid off due to lack of work, was the employer has not asserted any discharge for misconduct.

DECISION:

The unemployment insurance decision dated November 18, 2010, reference 04, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css