

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES E RHEINGANS
Claimant

APPEAL NO: 13A-UI-12356-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC
Employer

OC: 09/29/13
Claimant: Appellant (2)

Iowa Code § 96.5(1)j – Voluntary Separation from Staffing Employer

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's October 31, 2013 determination (reference 04) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing with his attorney, Jonathan Murphy. Rhonda Hefter de Santisteban, the human resource supervisor, and Darlene Weber, the Mason City branch manager, testified on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for reasons constituting work-connected misconduct?

FINDINGS OF FACT:

In December 2012, the claimant registered to work for the employer. The claimant's most recent assignment began on August 7, 2013. When the claimant registered to work for the employer, he received information that when he completed a job assignment he was to contact the employer within three days for another assignment. The claimant also understood that if he did not timely contact the employer for another assignment, the employer would consider him to have voluntarily quit.

On August 28, the employer contacted the claimant and informed him that his assignment was over when he was done working that day. The claimant immediately asked if the employer had another job for him. The employer did not. The next morning, the claimant went to the employer's office. He briefly spoke to Weber and asked again if the employer had another job for him. Weber again told him no, but would contact him if a job became available. When the employer had not contacted him, the claimant contacted the employer again on September 18. The employer's records do not indicate the claimant asked about another assignment on August 28 or 29.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if he does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if he fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

The facts reveal the claimant understood the employer's policy required him to contact the employer within three days after he completed an assignment. The claimant testified he asked Weber about another job on August 28 and 29. The employer's records indicate the claimant did ask the employer about another assignment until September 18. Even though Weber is trained to document every time a person asks about another assignment, she could not say with certainty that the claimant had not asked her about another job on August 28 and or 29. The claimant's testimony is credible. As a result, a preponderance of the evidence establishes the claimant made a timely request for another assignment.

The claimant did not voluntarily quit. Instead, he completed an assignment and made a timely request for another assignment. The reasons for the claimant's August 28 employment separation is for nondisqualifying reasons. As of September 29, the claimant is qualified to receive benefits.

DECISION:

The representative's October 31, 2013 determination (reference 04) is reversed. The claimant did not voluntarily quit his employment. Instead he completed an assignment and timely requested another job. The claimant's employment occurred for nondisqualifying reasons. He is qualified to receive benefits as of September 29, 2013, provided he meets all other eligibility requirements. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css