

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARICELA C FRANCO**

Claimant

**APPEAL NO. 12A-UI-14184-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**

Employer

**OC: 11/27/11**

**Claimant: Respondent (1)**

Section 96.5-1-j – Voluntary Leaving – Temporary Employment

**STATEMENT OF THE CASE:**

Advance Services Inc. filed a timely appeal from a representative's decision dated November 29, 2012, reference 05, which held claimant eligible to receive unemployment insurance benefits. After due notice was provided, a telephone hearing was held on January 3, 2013. The claimant participated personally. The employer participated by Mr. Michael Payne, Loss Prevention Specialist.

**ISSUE:**

At issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Maricela Franco was employed by Advance Services Inc. most recently from March 19, 2012 until May 11, 2012 when her assignment at ASI Syngenta ended. Ms. Franco was assigned to work as a detasseling/corn handling employee and was paid by the hour. Her immediate supervisor was "Howard" (last name unknown).

On Friday, May 11, 2012 Ms. Franco was informed by her immediate supervisor, an employee of Advance Services, that her assignment at the Syngenta Company had ended. Ms. Franco inquired about additional assignments that day. The next week on Wednesday, May 6, Ms. Franco personally contacted Advance Services and once again inquired as to whether any additional work assignments were available for her. The claimant was informed on both occasions by an Advance Services representative that no additional assignments were then available.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant voluntarily left employment with good cause attributable to the employer.

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.

871 IAC 24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment

status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

The purpose of the statute is to provide the temporary agency employer notice that the claimant is available for work at the conclusion of a temporary assignment. The evidence in the record establishes that Ms. Franco inquired about additional assignments on May 11, 2012, the date that she was laid off, and that the claimant contacted the temporary employment service within three working days to establish her availability for more work assignments.

Based upon the evidence in the record the administrative law judge concludes that Ms. Franco's reasons for leaving work were attributable to the employer. Unemployment insurance benefits are allowed providing the claimant is otherwise eligible.

**DECISION:**

The representative's decision dated November 29, 2012, reference 05, is affirmed. The claimant left employment with good cause attributable to the employer. Unemployment insurance benefits are allowed, providing the claimant meets all other eligibility requirements of Iowa law.

---

Terence P. Nice  
Administrative Law Judge

---

Decision Dated and Mailed

css/css