

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAMES H CUNNINGHAM**  
Claimant

**APPEAL NO: 06A-UI-08471-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PROFESSIONAL RESOURCES INC**  
Employer

**OC: 07/09/06 R: 03  
Claimant: Respondent (2)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The employer, Professional Resources, Inc., filed an appeal from a decision dated August 15, 2006, reference 04. The decision allowed benefits to the claimant, James Cunningham. After due notice was issued a hearing was held by telephone conference call on September 11, 2006. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by Staffing Manager Deb Sheldahl. Exhibits One and Two were admitted into the record.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

James Cunningham was employed by Professional Resources from June 13 until July 6, 2006. He was assigned to Woodmark from June 13 until June 30, 2006, when the client notified the employer it did not want him to return. Staffing Manager Deb Sheldahl told the claimant his assignment had ended when he came in for his check on June 30, 2006. He said “okay” and left.

At the time of hire the claimant received an orientation from the employer and signed an acknowledgement that he was to contact the employer within three days of the end of any assignment to request a new one. He did not contact Professional Resources after being told the assignment had ended.

James Cunningham filed a claim for unemployment benefits with an effective date of July 9, 2006. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

**REASONING AND CONCLUSIONS OF LAW:**

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.

Under the provisions of the above Code section, the claimant is considered a voluntary quit without good cause attributable to the employer because he did not return to the temporary agency within three days of the end of his assignment to request more work. He is disqualified.

**DECISION:**

The representative's decision of August 15, 2006, reference 04, is reversed. James Cunningham is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

---

Bonny G. Hendricksmeier  
Administrative Law Judge

---

Decision Dated and Mailed

bgh/pjs