

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

RICHARD L GROTT
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TEMP ASSOCIATES
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Appeal Number: 04A-UI-11997-SWT
OC: 10/03/04 R: 04
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Iowa Code Section 96.5-1-j – Voluntary Quit of Temporary Agency

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated October 29, 2004, reference 01, that concluded the claimant was qualified to receive unemployment insurance benefits because he had contacted the employer within three days after completing a work assignment. A telephone hearing was held on December 1, 2004. The parties were properly notified about the hearing. The claimant participated in the hearing. Jan Windsor participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer from January 6, 2004 to May 27, 2004. He was assigned to work as a diesel mechanic at Central States Company. On March 25,

2004, the claimant signed a written statement informing him that he was required to notify the employer within three working days after the completion of any assignment.

On May 27, 2004, a supervisor with Central States informed the claimant that he was being let go due to problems with the quality of his work. That same day, the claimant went to the employer's office to pick up his paycheck and find out if the employer had any further work for him. He informed the manager's secretary what had happened and asked if the employer had any other work for him. The secretary indicated that there were no openings at the time, and she would inform the manager about their conversation. The claimant also reported to the office on June 3, 2004, and asked if there was work available and was informed there was none.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code Section 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 claimant is not subject to disqualification under Iowa Code Section 96.5-1-j because he contacted the employer within three days and sought reassignment but the employer had no work available. The claimant also was not discharged for work-connected misconduct as defined in the unemployment insurance law.

DECISION:

The unemployment insurance decision dated October 29, 2004, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

saw/b