

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**NYASE OMOL**  
Claimant

**EXPRESS SERVICES INC**  
Employer

**APPEAL NO. 14A-UI-03253-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/16/14**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5-1-j - Voluntary Quit of Temporary Employment

**STATEMENT OF THE CASE:**

Nyase Omol (claimant) appealed an unemployment insurance decision dated March 25, 2014, (reference 01), which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Express Services, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 16, 2014. The claimant participated in the hearing. The employer participated through Tori Bronson, Front Office Coordinator. Employer's Exhibits One and Two were admitted into evidence.

**ISSUE:**

The issue is whether the claimant is disqualified for failure to contact the temporary employment agency within three working days after the completion of his assignment, when and if notified of this requirement at the time of hire.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment agency and the claimant was hired on October 17, 2013. When he signed up for work with the employer, he signed an End-of-Assignment Reporting Requirements document, which advised him of the requirement to check in for additional work after the completion of an assignment. The employer requires employees to check in within three working days after an assignment ends to provide the employer notification of the claimant's availability and the policy provides that failure to do so would be considered as a voluntary quit. The claimant also signed for receipt of the employer's handbook, which also contained the same policy.

The claimant was assigned to Mail Services and his assignment ended on February 11, 2014. An employer representative called his phone but could only leave a message for him on the afternoon of February 11, 2014, to advise him the assignment was done. There is no record of the claimant contacting the employer after his assignment was completed. The employer had work available and attempted to contact the claimant to offer him work on February 12, 14, 17, 2014. The employer called the claimant twice on February 17, 2014, and left a message on the second call requesting him to call back as soon as possible but never heard from him.

The claimant testified he did not receive a call from the employer notifying him that his assignment was over and only found out when he tried to return to work on February 12, 2014. He contends he called the employer on February 13, 2014, asking for additional work but cannot say the name of the person with whom he spoke.

#### **REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1. The employer herein is a temporary employment agency and temporary employment agencies are governed by Iowa Code §96.5-1-j, which places specific restrictions on both the employer and the employee with regard to unemployment insurance benefits.

To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and the employer did so in this case. The employer must also notify the individual that he may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5-1-j. The claimant signed an End-of-Assignment Reporting Requirements document that provided him with this information. He also signed for receipt of the employer's handbook, which also contained this information.

The claimant knew or should have known he was required to contact the employer after the completion of his assignment so the employer knew whether he was available for additional assignments. In the case herein, the employer actually did have work for the claimant and repeatedly attempted to contact him without success. The claimant's contention that he contacted the employer on February 13, 2014, is not supported by the evidence. The claimant has not established good cause for his failure to maintain contact with the employer. He did not satisfy the requirements of Iowa Code § 96.5-1-j and is disqualified from receiving unemployment insurance benefits.

**DECISION:**

The unemployment insurance decision dated March 25, 2014, (reference 01), is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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