

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRIAN J JORDAN**

Claimant

**APPEAL NO. 09A-UI-00935-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**

Employer

**OC: 12/07/08 R: 04  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Brian J. Jordan filed a timely appeal from an unemployment insurance decision dated January 14, 2009, reference 04, that disqualified him for benefits. After due notice was issued, a telephone hearing was held February 5, 2009 with Owner Mike Schaul participating for the employer, Express Services, Inc. Mr. Jordan did not provide a telephone number at which he could be contacted.

**ISSUE:**

Did the claimant leave work with good cause attributable to the employer?

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Brian J. Jordan was a temporary worker for Express Services, Inc. who worked on assignment at Lumber Specialties. The assignment ended December 5, 2008. When Mr. Jordan was hired, he was given a separate written notice advising him that he must contact Express Services, Inc. within three working days of the end of an assignment to seek reassignment. Mr. Jordan did not do so.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. As noted above, the claimant did not participate in the hearing. The employer's testimony establishes that the employer complied with the provisions of Iowa Code section 96.5-1-j. Since the claimant did not contact the employer within three working days after the end of his assignment, his separation from employment must be considered a quit without good cause attributable to the employer. Benefits are withheld.

**DECISION:**

The unemployment insurance decision dated January 14, 2009, reference 04, is affirmed. Benefits are withheld until the claimant has worked 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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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

pjs/pjs