

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**BRIANA ANDRESEN**  
Claimant

**MIDWEST PROFESSIONAL STAFFING LLC**  
Employer

**APPEAL NO. 14A-UI-04238-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/23/14**  
**Claimant: Respondent (5)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Midwest Professional Staffing, LLC (employer) appealed an unemployment insurance decision dated April 14, 2014, (reference 02), which held that Briana Andresen (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 12, 2014. The claimant participated in the hearing. The employer participated through Mollie Dawson, Staffing Manager.

**ISSUE:**

The issue is whether the claimant's separation from employment qualifies her to receive unemployment insurance benefits.

**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 staffing agency and the claimant worked from September 16, 2013, through December 20, 2013. She was assigned to work as a customer service representative at Mercer but the client requested she be removed due to attendance issues. The claimant was eligible for continued assignments but the employer has no requirement that employees check in for additional work.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she 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. The employer must also notify the

individual that she may be disqualified from receiving unemployment insurance benefits if she fails to notify the employer. Iowa Code § 96.5-1-j. In the case herein, the employer has no such policy and the claimant did not check in for additional assignments because she believed she had been discharged from the company.

Since the employer did not satisfy the requirements of Iowa Code § 96.5-1-j, the claimant's separation from the employment is with good cause attributable to the employer. Benefits are allowed.

**DECISION:**

The unemployment insurance decision dated April 14, 2014, (reference 02), is modified with no effect. The claimant voluntarily quit her employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/css