

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TONYA M PALMER
Claimant

APPEAL NO. 09A-UI-19364-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CLINTON STAFFING COMPANY
Employer

**Original Claim: 06/14/09
Claimant: Respondent (1)**

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The employer, Clinton Staffing, filed an appeal from a decision dated December 22, 2009, reference 03. The decision allowed benefits to the claimant, Tonya Palmer. After due notice was issued, a hearing was held by telephone conference call on February 4, 2010. The claimant participated on her own behalf. The employer participated by Human Resources Representative Jane Brown and Client Relations Manager Sara Espey.

ISSUE:

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

FINDINGS OF FACT:

Tonya Palmer was employed by Clinton Staffing beginning August 13, 2009. She filed an additional claim for benefits effective November 15, 2009. She had been assigned to Claussen Company and was informed by a supervisor on Friday, November 13, 2009, the assignment was over. After leaving work that afternoon, she contacted Clinton Staffing and notified Terry she had been laid off. Terry told her there was nothing immediately available but an assignment would be starting at Skyline on December 1, 2009. Ms. Palmer called back in on November 19, 2009, for more information.

The employer did not have record of the claimant's call on November 13, 2009, and deactivated her file on November 18, 2009, for failing to call in within three days. But, her status was reactivated after her call on November 19, 2009, and she was assigned to Skyline as Terry had originally told her.

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.

The claimant apparently did call on November 13, 2009, immediately after her last assignment ended. Although the employer did not have record of it, Clinton Staffing did reactivate her file the same week in which it had initially deactivated it. That means there was no gap in employment between Ms. Palmer and Clinton Staffing. Disqualification may not be imposed.

DECISION:

The representative's decision of December 22, 2009, reference 03, is affirmed. Tonya Palmer is qualified for benefits, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw