

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JUAN J VELA**  
Claimant

**APPEAL NO. 12A-UI-13076-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 09/30/12**  
**Claimant: Appellant (1-R)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Juan J. Vela filed a timely appeal from an unemployment insurance decision dated October 26, 2012, reference 03, that disqualified him for benefits upon a finding that he had voluntarily left employment on October 1, 2012 without good cause attributable to the employer. After due notice was issued, a telephone hearing was held November 27, 2012 with Steve Volle participating for the employer, Advance Services, Inc. Mr. Vela did not respond to the hearing notice. Employer Exhibits One through Three were admitted into evidence.

**ISSUE:**

Was the claimant's separation from employment a disqualifying event?

**FINDINGS OF FACT:**

Juan J. Vela was employed by Advance Services, Inc. on assignment to Micogen from August 28, 2012 through October 1, 2012 when the assignment ended. When hired, Mr. Vela was given a separate written notice in Spanish that he was to contact the employer within three working days after the end of the assignment to seek a new one. He did not do so. After contacting Advance Services, Inc. on October 11, 2012, he was given a new assignment on October 12, 2012. He was discharged as the result of a criminal background check that revealed convictions for matters more serious than minor traffic violations. In his application Mr. Vela stated that he had never been convicted of anything other than minor traffic violations.

**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 fact-finding decision on appeal deals solely with the October 1, 2012 separation. The evidence in the record persuades the administrative law judge that the October 1 separation should be considered a quit without cause attributable to the employer because the greater weight of evidence is that Mr. Vela did not contact Advance Services, Inc. within three working days after the end of the Micogen assignment.

The Unemployment Insurance Services Division has not had the opportunity to consider the unemployment insurance consequences of the October 12, 2012 separation. That separation is referred to the Unemployment Insurance Services Division for such action as it may deem appropriate.

**DECISION:**

The unemployment insurance decision dated October 26, 2012, reference 03, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The subsequent separation from employment on October 12, 2012 is referred to the Unemployment Insurance Services Division for such action if any as it deems appropriate.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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