

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GABRIEL V DELGADO VASQUEZ
Claimant

APPEAL NO. 10A-UI-03665-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

STAFFING PROFESSIONALS LLC
Employer

OC: 01/17/10
Claimant: Appellant (2-R)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 26, 2010, reference 01, that concluded the claimant had voluntarily quit employment without good cause attributable to the employer. A telephone hearing was initially scheduled for April 22, 2010. The claimant did not answer the phone when he was called for the hearing because he had returned to work and was not able to hear the phone due to the noisy machinery. He called in after the hearing was over and explained what happened. The hearing was reopened and rescheduled for April 23, 2010. The claimant participated in the hearing with the assistance of an interpreter, Anna Cox. Stacy Navarro participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. When the claimant was hired, he signed a statement that he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant worked on an assignment at Reames Noodles from September 7, 2009, to January 15, 2010. He completed the assignment and reported to the employer's business for a new assignment on January 18 and then called in asking about work on January 19.

The claimant filed a new claim for unemployment insurance benefits with an effective date of January 17, 2010.

The claimant started a new assignment on February 4 at Mid-American Recycling and finished it on February 12. After completing that assignment, the claimant contacted the employer within three business days to request another job.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The claimant is not subject to disqualification effective January 17 or afterward because he contacted the employer within three days after he completed his work assignments.

There is an issue that was not listed on the hearing notice that must be resolved, as it appears that the claimant had one week—the week ending February 6—in which he did not report his earnings. The employer reported the claimant earned \$270.00 during that week. It should be noted that the claimant did properly report \$252.00 in earnings for the week ending February 13. The issue of whether the claimant properly reported his earnings for the week ending February 13, 2010, is remanded to the Agency.

DECISION:

The unemployment insurance decision dated February 26, 2010, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible. The issue of whether the claimant properly reported his earnings for the week ending February 13, 2010, is remanded to the Agency to investigate and make a determination.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css