

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL J LEACH
Claimant

APPEAL NO. 12A-UI-11344-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 08/26/12
Claimant: Respondent (1)

Section 96.5-1-j – Voluntary Quit/Failure to Seek Re-Assignment

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated September 19, 2012, reference 02, that he voluntarily quit without good cause on August 24, 2012. A telephone hearing was held on October 16, 2012. The claimant did not participate. Michael Payne, Loss Prevention Specialist, participated for the employer. Official Notice was taken of the employer documents.

ISSUE:

Whether claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard witness testimony and having considered the evidence in the record, finds that: The claimant began work on assignment at Carbiotics as a full-time labor person on February 6, 2012, and he signed an employer policy that provides he must seek re-assignment within three days of job completion. The claimant last worked the assignment on August 24. A Carbiotics representative e-mailed the employer on August 26 the claimant completed the job. The employer attempted to contact claimant about another job assignment on September 7 but was unable to reach him.

Claimant failed to respond to the hearing notice.

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 administrative law judge concludes claimant completed his temporary job assignment on August 24, 2012 and the employer received notice of it on August 26. Benefits are allowed, provided claimant is otherwise eligible.

The employer had actual notice of the job completion within three working days that satisfies the notice requirement. The employer's effort to contact claimant for a work assignment on September 7 shows it still considered him for employment.

DECISION:

The department decision dated September 19, 2012, reference 02, is affirmed. The claimant completed his temporary job on August 24, 2012 with notice to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css