

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DOUGLAS D MILLER**  
Claimant

**APPEAL NO: 13A-UI-06250-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC  
SEDONA STAFFING**  
Employer

**OC: 04/07/13**  
**Claimant: Appellant (2/R)**

Iowa Code § 96.5(1)j – Voluntary Quit Temporary Employment

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's May 20, 2013 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit this employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. Maria Mayes, the risk management assistant, and Amanda Sullivan appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits and he did not voluntarily quit this employment.

**ISSUE:**

Did the claimant voluntarily quit this employment for reasons that do not qualify him to receive benefits, or did the employer discharge him for reasons that constitute work-connected misconduct?

**FINDINGS OF FACT:**

The claimant has worked for the employer for six years. The claimant is assigned to work at Webb Printing as an on-call relief driver. Arrangements were made between Webb Printing, the claimant and the employer that when Webb Printing needed a relief driver, they would contact the claimant about working not the employer. The last time the claimant worked for Webb Printing was April 19, 2013.

The claimant signed documents in October 2010 that when he completed an assignment, he was to contact the employer within three working days for another assignment. Information on the document indicates that if he does not timely contact the employer for another job, he could be disqualified from receiving unemployment insurance benefits. Throughout the claimant's six-year assignment there are times Webb Printing does not have work for the claimant. The claimant has never contacted the employer about another assignment because he considers Webb Printing work as an on-going assignment. During the six years the claimant worked at Webb Printing, the employer has not told him he needed to timely contact the employer for another assignment when Webb Printing did not have work for him to do.

The claimant established another claim for benefits during the week of April 7, 2013.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if he does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if he fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

Even though the employer informed the claimant and gave him a copy of its Availability policy, the employer has not enforced this policy with the claimant. The claimant's assignment is unique in that it is an on-going assignment and Webb Printing directly contacts the claimant when he is needed to work. The claimant is not ineligible to receive benefits as of April 19, 2013.

Since the claimant has not worked since April 19, the claimant's work search requirements should be reviewed by the Department and this issue will be remanded to the Claims Section.

**DECISION:**

The representative's May 20, 2013 determination (reference 01) is reversed. The claimant did not voluntarily quit this employment. As of April 19, the claimant remains qualified to receive benefits, provided he meets all other eligibility requirements. Since the claimant has not worked since April 19, 2013, his work search requirement is **Remanded** to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs