

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TIME N HENDERSON**  
Claimant

**PEOPLEREADY INC**  
Employer

**APPEAL 19A-UI-04878-SC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/12/19**  
**Claimant: Respondent (1)**

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Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

**STATEMENT OF THE CASE:**

On June 17, 2019, PeopleReady, Inc. (employer) filed an appeal from the June 6, 2019, reference 01, unemployment insurance decision that allowed benefits based upon the determination he completed his assignment and notified the employer within three days that his employment had ended. The parties were properly notified about the hearing. A telephone hearing was held on July 11, 2019. The claimant or a representative for the claimant did not respond to the hearing notice and did not participate.<sup>1</sup> The employer participated through Staffing Specialist Heather Lumsden. The Employer's Exhibit 1 was admitted into the record. The administrative law judge took official notice of the administrative record, specifically the fact-finding documents and the claimant's claim history.

**ISSUES:**

Did the claimant quit by not reporting for additional work assignments within three business days of the end of the last assignment?  
Has the claimant been overpaid unemployment insurance benefits and, if so, can the repayment of those benefits to the agency be waived?  
Can charges to the employer's account be waived?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed in a temporary full-time position as a General Laborer for the employer's client Crystals beginning on May 6, 2019, and his assignment was ended on May 10, 2019. The employer has a policy which states employees must notify it within three days of the end of an assignment and request an additional assignment or they will be deemed to have voluntarily quit. On May 13, the employer notified the claimant that Crystals did not have any work for him that week. The claimant requested another job assignment but did not accept it as he needed a job within walking distance of his house.

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<sup>1</sup> The employer witness reported that she had received notice from the claimant's family in mid-June that he was deceased; however, no documentation was provided to support this contention.

The administrative record reflects that claimant has received unemployment benefits in the amount of \$748.00, since filing a claim with an effective date of May 12, 2019, for the four weeks ending June 8, 2019. The administrative record also establishes that the employer did participate in the fact-finding interview.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's separation was with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Iowa Code section 96.5(1)j provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. (1) 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.

(2) 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.

(3) For the purposes of this paragraph:

(a) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their workforce during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(b) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for and seeking work at the end of the temporary assignment. Since he contacted the employer within three working days of the notification of the end of the assignment, requested reassignment, and there was no work available in his geographical location, no disqualification is imposed. Benefits are allowed, provided the claimant is otherwise eligible.

As benefits are allowed, the issue of overpayment is moot and charges to the employer's account cannot be waived.

**DECISION:**

The June 6, 2019, reference 01, unemployment insurance decision is affirmed. The claimant's separation from employment was attributable to the employer. Benefits are allowed, provided he is otherwise eligible. As benefits are allowed, the issue of overpayment is moot and charges to the employer's account cannot be waived.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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