

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**CHRISTOPHER J BERNARD**  
Claimant

**TEAM STAFFING SOLUTIONS INC**  
Employer

**APPEAL NO. 19A-UI-07682-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/01/19**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated September 24, 2019, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 22, 2019. Claimant participated personally. Employer participated by Sarah Fiedler. Employer's Exhibits 1-2 were admitted into evidence.

**ISSUE:**

Did the claimant quit by not requesting an additional work assignment within three business days of the end of the last assignment?

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant was hired by employer on March 4, 2019. At the time of his hire, claimant signed documents indicating that he knew he was to be in contact with employer within three days of the ending of any assignment. Claimant was placed by employer at NIS where he worked until June 28, 2019.

Claimant stated that he was unhappy with the hours NIS required of him. He stated that he registered these complaints with both NIS and employer's representative. Whereas claimant stated that he'd been complaining about his hours throughout his placement with NIS, employer stated that the first complaint about hours was recorded on June 25, 2019 – three days before claimant's last day of his placement.

Employer thought claimant was going to move from temp to hire with NIS. Instead, claimant chose to quit working altogether for NIS and not stay in contact with employer. Claimant took a job with Care Initiatives, but that new job did not begin for over a month after claimant quit working for employer.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

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 work at the conclusion of each temporary assignment so they may be reassigned and continue working. The plain language of the statute allows benefits for a claimant "who notifies the temporary employment firm of completion of an employment assignment *and* who seeks reassignment." (Emphasis supplied.)

In this case, the claimant did not notify the employer of his availability or request another assignment after claimant chose to end his placement with NIS, therefore, is considered to have quit the employment. Benefits are denied.

**DECISION:**

The September 24, 2019, (reference 02) unemployment insurance decision is affirmed. The claimant's separation was not attributable to the employer. Benefits are withheld until such time as he works in and has been paid for wages equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

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