

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARICELA LOPEZ-ROBLES
Claimant

APPEAL NO: 13A-UI-05206-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 02-24-13
Claimant: Appellant (2)

Section 96.5(1) – Voluntary Leaving
871 IAC 24.26(19 & 22) – Voluntary Leaving
Section 96.5-1-j – Reassignment from Employer

STATEMENT OF CASE:

The claimant filed a timely appeal from the April 25, 2013, reference 04, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 5, 2013. The claimant participated in the hearing with Interpreter Anna Pottebaum. Michaels Payne, Risk Management, participated in the hearing on behalf of the employer. Employer's Exhibits One and Two were admitted into evidence.

ISSUE:

The issue is whether the claimant voluntarily left her employment and whether she sought reassignment from the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time general laborer for Advance Services last assigned to Palmer's Candy from January 28, 2013 to February 20, 2013. The claimant's assignment ended due to a lack of work. The client's supervisor notified her of the completion of the assignment.

The employer's policy states, "It is my obligation to call Advance Services, Inc. within three working days after my assignment ends or I will be considered a voluntary quit. Failure to do so could affect my eligibility for unemployment insurance benefits" (Employer's Exhibit Two). On February 21, 2013, the claimant went to the employer's premises and spoke with Raquel. She asked if the employer had any other work and Raquel stated there was no work available at that time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation was not disqualifying.

Iowa Code section 96.5-1 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.

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 claimant completed her assignment at Palmer's Candy by working until the work there was done February 21, 2013. She went in and spoke to Raquel in the employer's office February 22, 2013, and asked about additional work, thus meeting the requirement that she seek reassignment from the employer within three days of the completion of assignment. Under these circumstances, the administrative law judge must conclude the claimant completed her assignment and sought reassignment from the employer as required by the employer and Iowa law. Therefore, benefits are allowed.

DECISION:

The April 25, 2013, reference 04, decision is reversed. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs