

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RHONDA L SMITH**  
Claimant

**APPEAL NO. 10A-UI-02773-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LABOR READY MIDWEST INC**  
Employer

**OC: 08/17/07**  
**Claimant: Appellant (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 February 12, 2010 reference 04, that denies claimant benefits by reason of her employment separation on September 5, 2009. A telephone hearing was held on April 6, 2010. The claimant did not participate. Rob Sawyer, CSR, participated for the employer. Employer Exhibits 1-6 was received as evidence.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge, having considered the evidence in the record, finds that: The claimant began work on June 26, 2009, and she signed an employer policy that provides she must seek re-assignment within three days of job completion. The claimant last worked an assignment at Crystal Distribution Center on September 4. The claimant did not contact the employer or sign in for work for three days after job completion. The day-work employer considered the claimant to have quit for failing to return to work though it was available to her.

The claimant was not available when called for the hearing.

**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 the claimant voluntarily quit without good cause attributable to her employer on September 5, 2009 when she failed to seek re-assignment within three days from her assignment completion on September 4.

The employer is a day-work business, and the claimant could have continued in her work beyond her last assignment, but chose not to do so.

#### **DECISION:**

The department decision dated February 12, 2010 reference 04, is affirmed. The claimant voluntarily quit without good cause on September 5, 2009. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs