

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARL A RACE
Claimant

APPEAL NO. 12A-UI-04985-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 03/25/12
Claimant: Respondent (5)

Section 96.5-1-j – Voluntary Quit/Job Assignment Completion

STATEMENT OF THE CASE:

The employer appealed from a representative's decision dated April 26, 2012, reference 01, that it failed to establish misconduct in the discharge of claimant on March 27, 2012, and which allowed benefits. A telephone hearing was held on May 22, 2012. The claimant participated. Michael Payne, unemployment specialist, participated for the employer.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard witness testimony and having considered the evidence in the record, finds that: The claimant began work on December 27, 2011 at a three-day assignment that he completed. He began a temp-to-hire assignment at Diversified Foods as a full-time production worker on January 6, 2012, and he last worked on assignment on March 27. He signed an employer policy that provides he must seek re-assignment within three days of job completion.

Claimant supervisors at Diversified told him his services were no longer needed on March 27, and he talked to the employer's Nebraska City representative (Lou Ann King) about it. The employer's notes indicate the assignment was ending March 29. King did not offer claimant further work at that time.

Claimant later accepted a two-day job at a bio-ethanol plant that he completed on April 19. He stayed in contact with employer's offices but was not offered further work. The employer's position is, according to its policy, an employee who does not complete an assignment is not offered work for 30 days.

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 with good cause attributable to his employer on March 27, and April 19, 2012, when he completed his work assignments and notified the employer of his work availability within three working days.

The claimant's testimony is given greater credibility than the employer's screenshot notes regarding his work record. The employer knew the Diversified Foods assignment was ending on or about March 29, and it is reasonable to believe he was told by supervisors of this fact on March 27, which ended the assignment as completed.

According to the employer's policy, he would not have been offered further work for 30 days for failing to complete an assignment, but it did offer the claimant further work and claimant worked two days at the bio-ethanol plant and completed this assignment on April. He made himself available for further work but none was offered (supposedly because he failed to complete the earlier assignment).

DECISION:

The department decision dated April 26, 2012, reference 01, is modified without effect. The claimant voluntarily quit with good cause on March 27, and April 19, 2012, due to completion of temporary job assignments. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw