

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN S KEPHART
Claimant

APPEAL NO: 14A-UI-05705-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 01/05/14
Claimant: Respondent (2)

Iowa Code § 96.5(1)a – Temporary Employment

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's May 30, 2014 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation was for nondisqualifying reasons. The claimant did not respond to the hearing notice or participate at the hearing. Sarah Fiedler, a human resource generalist, appeared on the employer's behalf. During the hearing, Employer Exhibit One was offered and admitted as evidence. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer, a temporary employment firm, on April 1, 2013. Before the employer assigned him to a job, the claimant signed and received a copy of the employer's notification requirements. The employer requires employees to contact the employer and request another job assignment within three working days of completing an assignment. If an employee does not do this, the employee is considered to have voluntarily quit. (Employer Exhibit One.)

On April 28, 2014, the employer's on-site representative told the claimant he had completed this assignment. The claimant hung up on the representative. The claimant did not contact the employer for any other assignments.

The claimant reopened his claim during the week of May 11, 2014, but he has not filed any weekly claims.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code § 96.5(1), (2)a. A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if he does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if he fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

The claimant knew or should have known the employer would consider him to have voluntarily quit if he did not make a timely request for another job after he completed an assignment. After the employer told the claimant he had completed his assignment, the claimant did not ask the employer about another job. Based on the law, the claimant voluntarily quit this employment when he failed to request another job assignment. As of April 27, 2014, the claimant is not qualified to receive benefits.

DECISION:

The representative's May 30, 2014 determination (reference 01) is reversed. The claimant voluntarily quit this employment for reasons that do not qualify him to receive benefits. As of April 27, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs