

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ZACHERY J BRUNNING**

Claimant

**APPEAL NO: 13A-UI-01069-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QPS EMPLOYMENT GROUP INC**

Employer

**OC: 12/16/12**

**Claimant: Appellant (2)**

Iowa Code § 96.5(1)j – Voluntary Quit a Temporary Employment Firm

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's January 22, 2013 determination (reference 03) that disqualified him from receiving benefits and held the employer's account exempt from charge because the claimant voluntarily quit his employment by failing to timely request another job assignment. The claimant participated in the hearing. Prior to the hearing, the employer notified the Appeals Section that the employer did not wish to participate in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is 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 reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The employer is a staffing firm. The claimant was working at an assignment for one of the employer's clients. On or about December 17, 2012, the client ended the claimant's assignment for working 14 hours instead of 10 hours. That same day, the claimant went to the employer's office and reported that the client ended his assignment. He asked if the employer had another job to assign him. The employer did not have another assignment at that time.

**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 satisfied the requirements of Iowa Code § 96.5(1)j by timely asking the employer for another job assignment. Since the claimant was released from his most recent assignment by the client, the next issue to decide is if he committed work-connected misconduct.

The employer has the burden to prove the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). The propriety of a discharge is not at issue in an unemployment insurance case. An employer may be justified in discharging an employee, but the employee's conduct may not amount to misconduct precluding the payment of unemployment compensation. The law limits disqualifying misconduct to willful wrongdoing or repeated carelessness or negligence that equals willful misconduct in culpability. Lee v. Employment Appeal Board, 616 N.W.2d 661, 665 (Iowa 2000).

The law defines misconduct as:

1. A deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment.
2. A deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees. Or
3. An intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer.

Inefficiency, unsatisfactory conduct, unsatisfactory performance due to inability or incapacity, inadvertence or ordinary negligence in isolated incidents, or good faith errors in judgment or discretion do not amount to work-connected misconduct. 871 IAC 24.32(1)(a).

The evidence does not establish that claimant committed work-connected misconduct. Therefore, as of December 16, 2012, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements.

The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

#### **DECISION:**

The representative's January 22, 2013 determination (reference 03) is reversed. The claimant did not voluntarily quit his employment and the employer did not discharge him for reasons constituting work-connected misconduct. As of December 16, 2012, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs