

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**LUIS A CRESPO**

Claimant

**MANPOWER INC OF D M**

Employer

**APPEAL 15A-UI-01303-KCT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/07/14**

**Claimant: Appellant (1)**

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Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 9, 2015, (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on February 24, 2015. The claimant participated. The employer participated through Libby Francisco, staffing specialist. Ike Rocha provided interpreter services for the claimant.

**ISSUE:**

Did the claimant quit by not reporting for an additional work assignment within three business days of the end of the last assignment?

**FINDINGS OF FACT:**

The claimant began work as a temporary worker with Manpower on February 14, 2014. He had successive assignments. At his last assignment before the separation, the claimant worked as a refinery worker on the night shift. He began the assignment on June 16, 2014 and last worked on August 8, 2014. On that date, the scheduled assignment had not ended. He was scheduled to work on the evening of August 10, 2014. He did not appear at the assignment. The client called Manpower to report that he had not shown up at work.

Staffing specialist Francisco called the claimant on August 11. The claimant reported that he was sick the previous day. Francisco gave him a verbal warning for his failure to provide notice of the absence on August 10, 2014, and advised him that he must attend or call in or his assignment would end. She referred to the employer's policy regarding three consecutive days of not calling or reporting to work. The claimant did not call or report to work at the assignment on August 11, August 12 and August 13, 2014. He also did not call Manpower.

Manpower has a written policy regarding three consecutive work days at which an employee has not appeared at work or called in. At the time he was hired, the claimant participated in an orientation about the policy. Francisco has discussed it with him. The employer interpreted the claimant's conduct as three consecutive days of "no call no show" as defined in company policy.

On August 14, 2014, the claimant called Manpower and spoke with Francisco. He said that he had left Iowa to take care of a family member out of state and would not be returning. He did not request a new assignment. Francisco informed the claimant that he was not eligible for rehire. The claimant had no further contact with Manpower in Iowa.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

Iowa Code § 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 purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for work at the conclusion of each temporary assignment so they may be reassigned and continue working. The plain language of the statute allows benefits for a claimant "who notifies the temporary employment firm of completion of an employment assignment *and* who seeks reassignment." (Emphasis supplied.)

In this case, the claimant ended the assignment for personal reasons and did not request another assignment. He is therefore, considered to have quit the employment, even though he may have contacted the temporary agency at some later date. Benefits are denied.

**DECISION:**

The January 9, 2015, (reference 02) unemployment insurance decision is affirmed. The claimant's separation was not attributable to the employer. Benefits are withheld until such time as he works in and has been paid for wages equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Kristin A. Collinson  
Administrative Law Judge

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Decision Dated and Mailed

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