

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JOHN SANKEY
Claimant

ADVANCE SERVICES INC
Employer

APPEAL NO. 14A-UI-02669-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/02/14
Claimant: Appellant (1)

Iowa Code § 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

John Sankey (claimant) appealed an unemployment insurance decision dated March 6, 2014, (reference 01), which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Advance Services, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 1, 2014. The claimant participated in the hearing with his fiancée Cynthia Jennum. The employer participated through Michael Payne, Risk Management and Tracy Rhodes, Office Manager. Employer's Exhibits One and Two were admitted into evidence.

ISSUE:

The issue is whether the claimant is disqualified for failure to contact the temporary employment agency within three working days after the completion of his assignment, when and if notified of this requirement at the time of hire.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment agency and the claimant was hired on August 15, 2013. At the time of hire, he signed the End of Assignment Policy which advised him of the requirement to check in for additional work after the completion of an assignment. The employer requires employees to check in within three working days after an assignment ends to provide the employer notification of the claimant's availability and failure to do so would be considered as a voluntary quit. The claimant was given a copy of the End of Assignment Policy, which is not part of the application or contract of employment.

The claimant was assigned and began work at Pella Corporation on August 19, 2013. Pella notified him on January 20, 2014, that his assignment would end on January 31, 2014. The claimant worked through January 31, 2014, and did not contact the employer after that date. He was considered to have voluntarily quit as of February 5, 2014.

The claimant contends that Jaime from Advance Services called him at the end of the day on January 31, 2014, to ask him if he knew it was his last day. The claimant said he asked Jaime if there was any work and Jaime said there was not but advised him to call back in two weeks. The claimant admits he did not call the employer after that because he received a document stating that he had voluntarily quit. Jaime was not available to testify but the employer stated there was no record of a call being made to the claimant on that day and every call made to an employee is documented. The employer further stated that there would have been no reason to contact the claimant on that day since he had been previously notified by Pella that his assignment would be over on January 31, 2014.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1. The employer herein is a temporary employment agency and temporary employment agencies are governed by Iowa Code §96.5-1-j, which places specific restrictions on both the employer and the employee with regard to unemployment insurance benefits.

To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and the employer did so in this case. The employer must also notify the individual that he may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer after the assignment ends. Iowa Code § 96.5-1-j. The claimant was given a copy of the End of Assignment Policy, which advised him that failure to contact the employer after the end of an assignment could result in a loss of unemployment benefits.

The claimant knew he was required to contact the employer after the completion of his assignment so the employer knew whether he was available for additional assignments. He did not contact the employer after the end of his assignment on January 31, 2014, and has not established good cause for his failure to do so. The claimant contends he did ask for additional work on the day his assignment ended when someone from the employer's office called him. The contention is not supported by the evidence because the employer would have had no reason to call him since he had already been told his assignment was over that day and there is no record of the employer calling him that day. Additionally, the claimant said the employer representative told him to call back in two weeks, which is questionable since temporary agencies can get new jobs every day and there would be no reason to have him wait two weeks. The claimant did not satisfy the requirements of Iowa Code § 96.5-1-j and is disqualified from receiving unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated March 6, 2014, (reference 01), is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs