

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHARON CARR**  
Claimant

**APPEAL NO: 14A-UI-01383-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 01/05/14**  
**Claimant: Respondent (1)**

Section 96.5(1) – Voluntary Leaving  
871 IAC 24.26(19 & 22) – Voluntary Leaving  
Section 96.5-1-j – Reassignment from Employer

**STATEMENT OF CASE:**

The employer filed a timely appeal from the February 4, 2014, reference 02, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on February 27, 2014. The claimant participated in the hearing. Michael Payne, Risk Management, participated in the hearing on behalf of the employer. Employer's Exhibit One and Claimant's Exhibit A were admitted into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment and whether she sought reassignment from the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time general laborer for Advance Services last assigned to Pella Corporation from May 6, 2013 to December 11, 2013. The claimant had a non-work-related surgery December 12, 2013, and received a full release to return to work January 8, 2014. She returned to work with her release but was informed Pella Corporation was laying off all of its temporary employees from Advance Services effective January 10, 2014, and there was no need for her to return for one or two days of work. She inquired with Advance Services about whether there was any further work available and was told there was not. The claimant continues to call the employer every Monday to see if it has work available.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's separation was not disqualifying.

Iowa Code section 96.5-1 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.

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.

While the claimant was off work due to a physician-recommended, non-work-related medical condition, she did notify the employer of the need for her absence, returned with a full release to return to work but was not allowed to resume her assignment because it was scheduled to end two days later. Consequently, the administrative law judge concludes the claimant was effectively laid off and her assignment completed January 8, 2014, and she did not voluntarily leave her assignment nor was her employment terminated. Additionally, the claimant has maintained contact with the employer, as required by the employer's policy, as she returned with her full release and was told she was being laid off and that the employer did not have any further work for her at that time. The claimant has continued to call the employer every Monday

to state her availability for work. Under these circumstances, the administrative law judge concludes the claimant's separation from this employer was not disqualifying and she did seek reassignment from the employer. Therefore, benefits must be allowed.

**DECISION:**

The February 4, 2014, reference 02, decision is affirmed. Benefits are allowed, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/css