

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICK J BAXTER
Claimant

APPEAL NO: 19A-UI-00148-TN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROBERT HALF CORPORATION
Employer

OC: 12/02/18

Claimant: Respondent (1)

Iowa Code § 96.5(1) – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

Robert Half Corporation, the employer filed a timely appeal from a representative's unemployment insurance decision dated December 31, 2018, (reference 01) which held Patrick Baxter eligible to receive unemployment insurance benefits, finding that he was dismissed from work on August 10, 2018 for no disqualifying reason. After due notice was provided, a telephone hearing was held on January 23, 2019. Claimant participated. Employer participated by Ms. Beth Brockway, Division Director.

ISSUE:

The issue is whether the claimant left employment with good cause that was attributable to the employer.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Patrick Baxter was employed by Robert Half Corporation and assigned to work at Excel Marketing Company from July 11, 2016 until August 10, 2018 when his assignment came to an end. Mr. Baxter was hired for and assigned by Robert Half Corporation to work at the Excel Marketing Company doing accounting and inventory work on a full-time basis during the assignment. Mr. Baxter was paid by the hour. His immediate supervisor was Beth Brockway.

In June, 2018 the controller for Excel Marketing Company informed Mr. Baxter that his assignment with the client employer would come to an end on July 13, 2018. Mr. Baxter informed Ms. Brockway of the end date set by the client company.

Prior to July 13, 2018, the client company informed Mr. Baxter and Robert Half Corporation that they wished to retain Mr. Baxter past the July 13, 2018 end date, so that he could provide training to an employee that had been hired by the company. Mr. Baxter agreed to the extension. The client and Robert Half Corporation agreed to Mr. Baxter taking a small amount of time off to move. Mr. Baxter then continued in a temporary assignment until it ended on August 10, 2018 the new date the client company for Mr. Baxter was to end. Mr. Baxter did not disagree with extending his time and did not disagree with the August 10, 2018 date that the

employer had set as the end of Mr. Baxter's job assignment. Robert Half Corporation was aware of the extension and the date that the assignment would end.

After the assignment that Mr. Baxter had been hired for was completed, no further work was available to Mr. Baxter at the temporary assignment. Mr. Baxter joined his family in California and began seeking new employment. Subsequently, Mr. Baxter was hired by the Robert Half Corporation in California.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Patrick Baxter's separation from the temporary employment agency was for good cause accountable to the employer. It was.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 Admin. Code r. 871-24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

Iowa Admin. Code r. 871-24.26(22) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(22) The claimant was hired for a specific period of time and completed the contract of hire by working until this specific period of time had lapsed. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable

assurance of continued employment status. Under this circumstance, the substitute school employees shall be considered to have voluntarily quit employment.

The evidence in the record indicates that the claimant was hired by the Robert Half Corporation, a temporary employment service, to work at a specific assignment with a client employer. The client employer initially set the end date for Mr. Baxter as July 13, 2018, but later extended the assignment so that the claimant could provide training to a permanent employee that had been newly hired by the client employer. The client employer set the amount of time for the training and requested that Mr. Baxter continue the assignment until the new employee had worked one month performing accounting duties and an additional ten days after the first of the month to ensure the new employee was properly performing his duties and had been properly trained. The period of time specified by the client employer came to an end on August 10, 2018 when there was no further work available for Mr. Baxter with the client employer and he was laid off due to lack of work by the Robert Half Company. Mr. Baxter had accommodated the client employer by commuting during his final weeks of employment. Mr. Baxter rejoined his family in the state of California after the temporary assignment that he had been hired for had come to an end and there was no further work available to him.

Based upon the evidence in the record and the application of the corporate law, the administrative law judge finds that Patrick Baxter's separation with the temporary employment agency was due to lack of work with good cause attributable to the temporary employment agency. Patrick Baxter is eligible for benefits, provided that he meets all other eligible requirements of Iowa law. The employer's account shall be charged for benefits paid to Patrick Baxter.

DECISION:

The representative's unemployment insurance decision dated December 31, 2018, reference 01 is affirmed as modified. Portions of the determination finding the claimant was separated for no disqualifying reason is affirmed. The reason for the separation is modified to find that the claimant left employment with good cause attributable to the employer due to lack of work.

Terry P. Nice
Administrative Law Judge

Decision Dated and Mailed

tn/scn