

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT N KNUTSON
Claimant

APPEAL NO. 120-UI-15160-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC
Employer

OC: 05/06/12
Claimant: Appellant (2)

Section 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 10, 2012, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on January 28, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Mike Hollingshead. Rhonda Hefter participated in the hearing on behalf of the employer with a witness, Aimee Greene.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. When the claimant was hired, he was given a statement to read and sign that said he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant worked on an assignment at Advanced Drainage System from May 14, 2012, to September 7, 2012. On September 4, 2012, a manager at Advanced Drainage System informed the claimant that he was going to be laid off on September 7, 2012.

On September 6, the claimant stopped at the employer's office to pick up his paycheck for the previous week. He informed the placement coordinator, Aimee Greene, that Advanced Drainage System was laying him off the next day and asked if there was other work for him. Greene replied that the employer would try to find another assignment for him and to check back.

The claimant picked up his final paycheck on September 13 and again asked Greene about another assignment, but there was no work available for him. The claimant continued to contact the employer each week about work, but there was no work available for him.

The claimant had filed a new claim for unemployment insurance benefits effective May 6, 2012. The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-a.

Iowa Code § 96.5-1-j provides that persons employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer—provided that the employer has given them a statement to read and sign that advises them of these requirements and unless the person had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter.

I conclude that since the claimant had informed Aimee Greene on September 6 that his assignment was ending on September 7 and Greene responded that the employer would try to find another assignment for him, that the claimant had good cause for not contacting the employer again until September 13. Greene knew the assignment was completed and had told the claimant that she would look for another assignment for him. The claimant contacting the employer a week later was reasonable. The employer also never treated the claimant as an employee who had voluntarily quit employment but instead continued to treat him as an out-of-work employee awaiting reassignment.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim. If the employer becomes a base period employer in a future benefit year, its account may be chargeable for benefits paid to the claimant based on this separation from employment.

DECISION:

The unemployment insurance decision dated October 10, 2012, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css