

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAURA A BEST
Claimant

APPEAL NO. 12A-UI-13493-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 10/07/12
Claimant: Appellant (2)

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The claimant, Laura Best, filed an appeal from a decision dated November 2, 2012, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on December 11, 2012. The claimant participated on her own behalf. The employer, Express Services, participated by Staffing Consultant Bonnie Hruska.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Laura Best was employed by Express Services from June 4, 2012 until September 4, 2012. She was assigned during that-time to Curries. On August 31, 2012, the Curries supervisor, Brad Aldridge, told Ms. Best and two regular Curries employees he was going to have to start letting people go because there was no more work for them.

On September 3, 2012, Labor Day, Ms. Best left a voice mail message on the employer's voice mail saying she had been laid off from the assignment. On September 5, 2012, she called back and talked with an office staff person and said the same thing, asking for more work.

The employer believed she had quit because the client insisted there was no layoff, personnel were only being sent home early on August 31, 2012.

REASONING AND CONCLUSIONS OF LAW:

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.

The claimant had reasonable cause to believe she was being laid off from the assignment. There does not appear to have been any clarification from the supervisor he was sending her home just for the rest of that day. In any event, she contacted the temporary agency within three days as required. Under the provisions of the above Administrative Code section, this is not a voluntary quit and the claimant is qualified.

DECISION:

The representative's decision of November 2, 2012, reference 01, is reversed. Laura Best is qualified for benefits, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css