

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**EDWARD C JONES
717 GLENWOOD ST
WATERLOO IA 50703**

**CNE LTD
PO BOX 83
WATERLOO IA 50704-0083**

**Appeal Number: 05A-UI-07486-HT
OC: 06/19/05 R: 03
Claimant: Respondent (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The employer, CNE Ltd, filed an appeal from a decision dated July 15, 2005, reference 03. The decision allowed benefits to the claimant, Edward Jones. After due notice was issued, a hearing was held by telephone conference call on August 8, 2005. The claimant participated on his own behalf. The employer participated by Staffing Administrator Shelly Olson. Exhibit One was admitted into the record.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Edward Jones was employed by CNE Ltd. from

April 26, 2005 until June 27, 2005. He had one assignment during this time at Goodwill, which ended June 6, 2005.

The temporary employees are notified they must contact the employer within three days of the end of each assignment, and then every Monday thereafter to remain "active." Mr. Jones talked to Staffing Associate Diane Rager on June 7, 2005, when he brought in his time card about another assignment. Nothing was available at that time. The claimant then called in on June 13 and 20, 2005, but missed the next call-in on June 27, 2005.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is not.

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 complied with the necessary requirements of the above Code section. He contacted the employer within three days of the end of his last assignment. Although the employer may have additional requirements to call in every week, for purposes of eligibility for unemployment benefits, Iowa Workforce Development does not require this. Disqualification may not be imposed.

DECISION:

The representative's decision of July 15, 2005, reference 03, is affirmed. Edward Jones is qualified for benefits provided he is otherwise eligible.

bgh/kjw