

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KATHLEEN J HOFFMAN**  
Claimant

**APPEAL NO: 13A-UI-09066-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 07/07/13**  
**Claimant: Respondent (1)**

Iowa Code § 96.5(1)j – Voluntary Quit Temporary Employment Firm

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's August 5, 2013 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant's employment separation was for nondisqualifying reasons. The claimant participated in the hearing. Michael Payne and Sandy Ahmann testified on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits or did the employer discharge her for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant registered to work with the employer in September 2006. The last seven years, the employer has always assigned the claimant to work at Syngenta's seed lab. The claimant works at this assignment from late September to late May. The claimant understood she had summers off and would be called back to work when Syngenta had work again.

The claimant has not received anything in writing indicating she must contact the employer within three days of completing an assignment and ask for another assignment or the employer would consider her to have voluntarily quit. After the assignment ended on May 21, the claimant has called the employer every Friday as the former office manager asked her to do. When the claimant established a claim for benefits, she was not initially required to look for work. The claimant was called back to work on August 7, 2013.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The employer

did not discharge the claimant. Instead, the employer asserted the claimant voluntarily quit because she failed to make a timely request for another assignment.

A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if she does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if she fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j. The evidence does not establish that the claimant received in writing she was required to request another assignment within three days of completing an assignment. This conclusion is supported by the fact the claimant has not in the past been required to look for work and previously the employer did not require her to notify the employer within three days of completing an assignment. The only instruction the claimant understood she must do was to contact the employer's office manager every Friday.

Based on the evidence presented during the hearing, the claimant is qualified to receive benefits as of May 26, 2013, because all the requirements of Iowa Code § 96.5(1)j were not established. The claimant did not voluntarily quit her employment. Instead, she was effectively laid off for lack of work on May 21, 2013.

**DECISION:**

The representative's August 5, 2013 determination (reference 01) is affirmed. The employer did not discharge the claimant. The claimant did not voluntarily quit her employment. The claimant was laid off from work. As of May 26, 2013, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account is subject to charge.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css