

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DARRELL HUNTER
Claimant

APPEAL NO. 09A-UI-15227-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ARIZONA LABOR FORCE INC
Employer

**Original Claim: 08/23/09
Claimant: Respondent (5)**

Iowa Code § 96.5-1-j – Separation from Temporary Agency

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated September 30, 2009, reference 02, that concluded he voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on November 10, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Jane Wade. Judy Poarch participated in the hearing on behalf of the employer.

ISSUES:

Is the claimant disqualified based on his separation from the temporary employment company?

Was he laid off due to lack of work?

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked on an assignment for the employer at Garden Paradise Landscaping in Council Bluffs, Iowa, from August 25, 2008, to March 6, 2009. The claimant was informed that he was required to contact the employer daily after his work assignment ended or he would be considered a voluntary quit and could be ineligible for unemployment benefits.

The claimant was working regularly for Garden Paradise Landscaping until March 2009. The owner of Garden Paradise Landscaping, Bill Hickey, told the claimant that he only had snow removal work available after March 6, 2009.

The claimant never contacted the employer after March 6, 2009, because he had dealt directly with Garden Paradise Landscaping before. He never was called back to work at Garden Paradise Landscaping and later his phone was disconnected because he had no money to buy additional minutes on his cell phone.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1-j provides that individuals 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.

The claimant was laid off effective March 6, 2009, when the claimant completed his last work assignment with Garden Paradise Landscaping. The unemployment insurance rules state that a person employed on a temporary basis for assignment to spot jobs or casual labor work who fulfilled the contract of hire by completing the job assigned is not subject to disqualification for failing to report for a new assignment to work. 871 IAC 24.26(19). The only exception to that rule is found in Iowa Code § 96.5-1-j set forth above. He is not disqualified by this statute, because the employer did not give him a statement that complies with Iowa Code § 96.5-1-j. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

DECISION:

The unemployment insurance decision dated September 30, 2009, reference 02, is modified with no change in the outcome of the case. The claimant was laid off due to lack of work and is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw