

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARIA D RODRIGUEZ DE ALMARAZ**  
Claimant

**APPEAL NO: 13A-UI-10699-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 08/18/13  
Claimant: Appellant (2)**

Section 96.5-1-J – Voluntary Quit/Assignment Completion  
871 IAC 24.1(113)a – Temporary Lay-off

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated September 18, 2013, reference 01, that held she voluntarily quit without good cause attributable to her employer on August 16, 2013, and benefits are denied. A telephone hearing was held on October 14, 2013. The claimant and Interpreter, Esabel Edwards participated. Angie Harris, Staffing Consultant, participated for the employer.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The employer is a temporary employment firm. The claimant worked for the employer on an assignment at Trimara Foods beginning June 4, 2013. Claimant and other employees were laid-off on August 16 with an expected call back in October.

The employer policy requires an employee to contact it within three days of job assignment completion. Claimant made no employer contact as she did not understand she needed to do so. She had an interpreter with her when she interviewed for the job, but did know about the requirement.

The employer was advised the call back date is October 28 and it is planning to call claimant for a return to work.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 24.1(113)a provides:

Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. Layoffs. A layoff is a suspension from pay status (lasting or expected to last more than seven consecutive calendar days without pay) initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover, termination of seasonal or temporary employment, inventory-taking, introduction of labor-saving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.

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 administrative law judge concludes the claimant voluntarily left with good cause attributable to her employer when she was temporarily laid-off for lack of work from assignment on August 16, 2013.

Claimant did not complete the job assignment as she will be re-called to work on October 28. Claimant was laid-off subject to recall that is not a job completion. The three-day employer notification does not apply.

**DECISION:**

The department decision dated September 18, 2013, reference 01, is reversed. The claimant was temporarily laid-off for lack of work on August 16, 2013. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs