

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NICHOLAS E ROBBINS

Claimant

APPEAL NO: 09A-UI-04263-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DES STAFFING SERVICES INC

Employer

OC: 02/01/09

Claimant: Appellant (2)

Section 96.5-1-j – Voluntary Quit Temporary Employment Firm

STATEMENT OF THE CASE:

Nicholas E. Robbins (claimant) appealed a representative's March 9, 2009 decision (reference 02) that disqualified him from receiving benefits, and held the account DES Staffing Services, Inc. (employer) exempt from charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 13, 2009. The claimant participated in the hearing. Amy McGregor appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

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

FINDINGS OF FACT:

The claimant registered to work for the employer on August 30, 2007. The employer gave the claimant a copy of its policies. One of the policies informs employees that after completing a job assignment, the employee is required to contact the employer within three working days to see if the employer has another job assignment. If an employee does not contact the employer within three working days, the employer considers the employee to have voluntarily quit.

The employer assigned the claimant to various jobs. When these jobs had been completed, the claimant contacted the employer about another job assignment.

The employer assigned the claimant to Diamond Crystal on April 6, 2008. On April 24, 2008, Diamond Chrystal told the claimant there was no more work for him. That same day the claimant went to the employer's office and talked to Shane Sorenson, the employee who had been working with the claimant. The claimant asked Sorenson for another job assignment. The employer did not have another assignment then but Sorenson indicated he would look for another job and contact the claimant. Sorenson also indicated he would look into whether the claimant was eligible for any vacation pay.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The evidence indicates the claimant worked at the Diamond Crystal assignment until the client told him they had no more work for him. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual 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 the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5-1-j.

The claimant understood the employer's three-day contact rule. When his previous assignments ended, the claimant contacted the employer for another job assignment. Even though the employer does not have a business record indicating the claimant talked to Sorenson on April 24, 2008, the claimant's testimony is credible. The fact he had contacted the employer before when an assignment had been completed and asked for another assignment supports the claimant's testimony. A preponderance of the credible evidence indicates the claimant contacted the employer, Sorenson, on April 24, 2008, the same day he learned his assignment ended at Diamond Crystal and asked for another job. At that time, the employer did not have another job to assign the claimant. The claimant satisfied the requirements of Iowa Code § 96.5-1-j.

Completing a job assignment does not constitute a voluntarily quit or discharge for work-connected misconduct situation. Therefore, the reasons for the claimant's April 24, 2008 employment separation do not disqualify him from receiving benefits.

DECISION:

The representative's March 9, 2009 decision (reference 02) is reversed. The claimant did not voluntarily quit his assignment on April 24, 2008, and the employer did not discharge him for work-connected misconduct. The claimant asked the employer for another job assignment on April 24, 2008. Therefore, the claimant's April 24, 2008 employment separation does not disqualify him from receiving benefits as of February 1, 2009. The employer's account may be charged for benefits paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css