

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LUKE E PETERSEN**  
Claimant

**APPEAL NO. 12A-UI-13478-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LA LEASING  
SEDONA STAFFING**  
Employer

**OC: 10/07/12  
Claimant: Respondent (2)**

Section 96.5(1)j – Quit/Temporary

**STATEMENT OF THE CASE:**

The employer, Sedona, filed an appeal from a decision dated November 1, 2012, reference 02. The decision allowed benefits to the claimant, Luke Petersen. After due notice was issued, a hearing was held by telephone conference call on December 13, 2012. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by Unemployment Benefits Administrator Colleen McGuinty.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Luke Petersen was employed by Sedona from July 27, 2012 until September 19, 2012. His last assignment began August 8, 2012, at PBG Services, and ended September 5, 2012. After he was notified this assignment ended he did not contact the temporary agency within three working days to request more work. He had been informed of this requirement at the time of hire and signed a document acknowledging he had received the information.

Luke Petersen filed a claim for unemployment benefits with an effective date of October 7, 2012. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

**REASONING AND CONCLUSIONS OF LAW:**

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 was advised, in writing, he must contact the temporary agency within three working days of the end of each assignment to request more work. He was further advised failure to do so would be considered a voluntary quit. Mr. Petersen had not contacted Sedona by September 10, 2012, three working days after the end of the assignment. Under the provisions of the above Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

**DECISION:**

The representative's decision of November 1, 2012, reference 02, is reversed. Luke Petersen is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount in insured work, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css