

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GILBERT J MCBRIDE
Claimant

APPEAL NO. 12A-UI-08968-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AEROTEK INC
Employer

OC: 06/24/12
Claimant: Appellant (2)

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The claimant, Gilbert McBride, filed an appeal from a decision dated July 20, 2012, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on August 20, 2012. The claimant participated on his own behalf. The employer, Aerotek, did not provide a telephone number where a witness could be contacted and did not participate.

ISSUE:

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

FINDINGS OF FACT:

Gilbert McBride was employed by Aerotek from September, 2011 until June 27, 2012. He was assigned to Hancor in Oelwein, Iowa. He was discharged from that assignment by the client and notified Aerotek June 29, 2012. He spoke with Gabriel Perkins and asked for another assignment. The employer told him it was company policy to refuse to provide further assignments for someone who had been discharged from a prior assignment.

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 released from his assignment by the client company and did notify the temporary agency within three working days to request more work. The temporary agency refused to provide him with more work. Under the provisions of the above Code section, this is not a voluntary quit and the claimant is not disqualified.

DECISION:

The representative's decision of July 20, 2012, reference 01, is reversed. Gilbert McBride is qualified for benefits, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs