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

ELVIS U ESPINOZA
Claimant

APPEAL NO: 06A-UI-09190-DWT

ADMINISTRATIVE LAW JUDGE DECISION

ADVANCE SERVICES INC
Employer

OC: 07/30/06   R: 03
Claimant: Respondent (1/R)

Section 96.5-1-j – Voluntary Quit a Temporary Job

STATEMENT OF THE CASE:

Advance Services, Inc. (employer) appealed a representative's September 5, 2006 decision (reference 01) that concluded Elvis U. Espinoza 9claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's employment separation occurred as the result of nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 27, 2006. The claimant participated in the hearing. Tamara Dostart, the office manager, 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 unemployment insurance benefits?

FINDINGS OF FACT:

The claimant registered to work for the employer's business clients in May 2005. The employer is a temporary staffing firm. Most recently, the claimant completed a one-day job assignment for the employer on July 31, 2006. The employer knew this was only a one-day assignment. The claimant contacted the employer within a couple of days of completing the July 31 assignment. The employer did not have any work to assign him at that time.

Prior to July 31, 2006, the employer assigned the claimant to work at a business starting July 18. The claimant worked at this assignment until July 21. The business client told the claimant there was no work for him after July 21. The claimant informed the employer immediately about this layoff. This business client has work on some days and not on other days.

The claimant established a claim for unemployment insurance benefits during the week of July 30, 2006.

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. Iowa Code section 96.5-1. 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 section 96.5-1-j.

The facts establish the claimant completed the recent assignments and timely notified the employer that he had completed the job assignments. Therefore, under Iowa Code section 96.5-1-j the claimant is not disqualified from receiving unemployment insurance benefits. As of July 30, 2006, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements.

This matter is remanded to the Claims Section to investigate the claimant availability while he attends college that started the week of August 20, 2006.

DECISION:

The representative's September 5, 2006 decision (reference 01) is affirmed. As of July 30, 2006, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant. The issue of whether the claimant is available to work while he attends college is remanded to Claims Section to investigate and issue a written decision.

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Debra L. Wise
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs