

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EVA ROCHA
Claimant

APPEAL NO: 06A-UI-11101-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CAMBRIDGE TEMPOSITIONS INC
Employer

OC: 03/12/06 R: 04
Claimant: Appellant (1)

Section 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

Eva Rocha (claimant) appealed an unemployment insurance decision dated November 6, 2006, reference 05, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment from Cambridge Tempositions, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 5, 2006. The claimant participated in the hearing. Susie Jaquez translated on behalf of the claimant. The employer participated through Ana Martinez, Branch Manager. 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:

Is the claimant disqualified because she failed to contact the temporary employment agency within three working days after the completion of her assignment when notified of this requirement at the time of hire?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment agency and the claimant was advised at the time of hire that she was required to contact the employer within three working days after the completion of an assignment. The claimant was employed as a full-time general laborer from September 1, 2006 through October 6, 2006, when she completed her last assignment. The claimant did not contact the employer until October 13, 2006 when she picked up her check and at that time she told the employer she was leaving town for personal reasons.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer or if the employer discharged her for work-connected misconduct. Iowa Code

sections 96.5-1 and 96.5-2-a. 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 ending a 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. The employer must also notify the individual that she may be disqualified from receiving unemployment insurance benefits if she fails to notify the employer. Iowa Code section 96.5-1-j.

The evidence indicates the claimant knew or should have known she was required to contact the employer after she completed her last assignment so the employer could assign her to another job. The claimant did not contact the employer until the following week when she went in to pick up her paycheck and told the employer she was leaving town for personal reasons. The claimant did not satisfy the requirements of Iowa Code section 96.5-1-j and is disqualified from receiving unemployment insurance benefits as of October 14, 2006.

DECISION:

The unemployment insurance decision dated November 6, 2006, reference 05, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs