

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAKESHA M COTTON
Claimant

APPEAL NO. 11A-UI-00878-M2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

USA STAFFING INC
LABOR WORLD OF IOWA
Employer

OC: 10/31/10
Claimant: Respondent (1)

871 IAC 24.26(19) – Voluntary Quit - Spot or Casual Labor
Iowa Code § 96.5(1)j – Voluntary Leaving - Temporary Employment

STATEMENT OF THE CASE:

The employer filed an appeal from the January 13, 2011, reference 02, decision that allowed benefits. After due notice was issued, a telephone conference hearing was held on February 24, 2011. The claimant did participate. The employer did not participate, having failed to respond to the hearing notice.

ISSUE:

The issue is whether claimant voluntarily quit her work from a temporary employment firm or whether the claimant completed her spot labor assignment.

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant was employed performing various temporary work assignments. The last assignment ended on September 15, 2010, and the claimant on that date asked the employer for another assignment but was told none were currently available.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

For the reasons that follow, the administrative law judge concludes the claimant did not voluntarily quit her employment. The claimant was employed performing various temporary work assignments. The last assignment ended on September 15, 2010, and the claimant on that date asked the employer for another assignment but was told none were currently available.

DECISION:

The January 13, 2011, reference 02, decision is affirmed. The claimant is eligible to receive unemployment insurance benefits, provided the claimant meets all other eligibility requirements.

Stan McElderry
Administrative Law Judge

Decision Dated and Mailed

srm/kjw