

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MINANI ELIYA
Claimant

APPEAL NO: 13A-UI-06433-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 05/05/13
Claimant: Respondent (2/R)

Iowa Code § 96.5(1)j – Voluntary Quit Temporary Employment Staffing Firm

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's May 28, 2013 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because his employment separation was for nondisqualifying reasons. The claimant responded to the hearing notice, but he was not available for the hearing. The administrative law judge left a message for the claimant to contact the Appeals Section immediately if he wanted to participate in the hearing. The claimant did not respond to the message left for him. Michael Payne appeared on the employer's behalf.

During the hearing, Employer Exhibits One and Two were offered and admitted as evidence. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant registered to work for the employer in June 2012. On June 4, 2012, the claimant signed and received a copy of the employer's assignment policy. The policy informs employees they are required to contact the employer within three days of completing an assignment to seek another assignment and if they do not, unemployment insurance benefits could be jeopardized. (Employer Exhibit Two.)

The claimant started his most recent assignment on November 30, 2012. The claimant signed a document in late November indicating he understood he was an employee of the employer, not the business where he worked. (Employer Exhibit One.) The claimant completed this assignment on May 2, 2013. The claimant did not contact the employer for another assignment until May 17, 2013.

When the claimant contacted the employer, he indicated he had not known he was required to contact the employer for another assignment until after he filed a claim for unemployment insurance benefits. The claimant established his claim for benefits during the week of May 5, 2013.

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, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if he does not notify the temporary employment firm within three working days after completing 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 in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if he fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

The evidence establishes the claimant received information in writing about the employer's three-day reassignment rule when he registered to work for the employer in June 2012. Since the claimant did not participate in the hearing, he did not establish good cause for failing to timely request another job assignment. The evidence establishes the claimant voluntarily quit this employment when he failed to timely request another assignment after he completed an assignment on May 2, 2013. As of May 5, 2013, the claimant is not qualified to receive benefits.

Issues of overpayment or whether the claimant must pay back any overpayment of benefits he may have received since May 5, 2013, will be remanded to the Claims Section to determine.

DECISION:

The representative's May 28, 2013 determination (reference 01) is reversed. The claimant voluntarily quit this employment when he failed to timely request another assignment. As of May 5, 2013, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

The issues of overpayment and whether the claimant will be required to pay back any overpayment of benefits he may have received since May 5, 2013, is **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs