

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JULIAN W DAVIS**

Claimant

**APPEAL NO. 12A-UI-04984-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**

Employer

**OC: 04/01/12**

**Claimant: Respondent (1)**

Section 96.5-1-j – Voluntary Quit/Job Assignment Completion

**STATEMENT OF THE CASE:**

The employer appealed from a representative's decision dated April 26, 2012, reference 01, that held the claimant completed a temporary assignment on March 31, 2012, notified his employer and benefits are allowed. A telephone hearing was held on May 22, 2012. The claimant and witness, Lorena Flores, participated. Michael Payne, Unemployment Specialist, participated for the employer.

**ISSUE:**

Whether claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard witness testimony and having considered the evidence in the record, finds that: The claimant began work on a temporary assignment at Bartech/Eaton on March 31, 2011. He signed an employer policy that provides he must seek re-assignment within three days of job completion.

Claimant was advised his assignment would end by Lou Ann King, employer representative at the Nebraska City office on March 31. He stopped by the office on April 2 to check for work and nothing was available. He later learned this office closed (which it did on April 13), and he was directed to check with employer offices in Clarinda and Atlantic for work. He accepted and completed a four-day temporary assignment at American Hydraulics that started April 23.

**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 administrative law judge concludes the claimant voluntarily quit with good cause attributable to his employer on March 31, 2012 when he completed his work assignment and notified the employer of his work availability within three working days.

The claimant's testimony is given greater credibility than the employer notes regarding his work record. The employer knew the Bartech/Eaton assignment was ending on March 31 and claimant check with the Nebraska City office on April 2 that satisfies the employer assignment policy.

**DECISION:**

The department decision dated April 26, 2012, reference 01, is affirmed. The claimant voluntarily quit with good cause on March 31, 2012 due to completion of a temporary job assignment. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/css