

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JIM K SAUER**  
Claimant

**L A LEASING INC  
SEDONA STAFFING**  
Employer

**APPEAL NO. 10A-UI-05862-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**Original Claim: 03/21/10  
Claimant: Appellant (1)**

Section 96.5-1-j – Voluntary Quit/Failure to Seek Re-Assignment

**STATEMENT OF THE CASE:**

The claimant appealed from a representative's decision dated April 13, 2010, reference 01, that held claimant voluntarily quit without good cause on March 24, 2009, when he failed to seek re-assignment. A telephone hearing was held on June 8, 2010. The claimant participated. Colleen McGuinty, Unemployment Benefits Administrator, and Ronda Stout, Branch Manager, participated for the employer.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge, having considered the evidence in the record, finds that: The claimant began work on assignment at CCB Packing as a full-time packer November 5, 2008. Prior to starting work, the claimant signed an availability statement on October 22 that provides he must seek re-assignment within three days of job completion. The claimant completed his assignment at CCB on March 19, 2009. The claimant did not contact the employer for any further work assignment for three working days (March 20, 23, 24) after job completion. The day-work employer considered the claimant to have quit for failing to seek re-assignment.

**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 without good cause attributable to his employer on March 24, 2009, when he failed to seek re-assignment within three working days from his assignment completion on March 19.

The employer offered more credible testimony based on its records that claimant failed to contact it for further work after he completed his job assignment. The claimant could not recall signing the availability statement that requires him to contact the employer after job completion, and he could not recall a date or name the employer person he may have contacted.

**DECISION:**

The department decision dated April 13, 2010, reference 01, is affirmed. The claimant voluntarily quit without good cause on March 24, 2009. Benefits are denied until the claimant re-qualifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, 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/kjw