

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES A GARDNER
Claimant

APPEAL NO. 10A-UI-03680-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

STAFFING PROFESSIONALS LLC
Employer

OC: 07/05/09
Claimant: Respondent (4-R)

Section 96.5-1-J - Voluntary Quit of Staffing Company

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated February 25, 2010, reference 03, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on April 22, 2010. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Stacy Navarro participated in the hearing on behalf of the employer with a witness, Shane Sorensen. Exhibit One was admitted into evidence at the hearing. Official notice is taken of the Agency's records regarding the claimant's unemployment insurance claim, which show that after the claimant stopped working for the employer, he worked for Alpine Glass of Iowa where he was paid \$4,210.00 in wages for the fourth quarter 2009. The claimant filed an additional claim for benefits effective January 17, 2010. For some reason, the claimant listed the employer as his most recent employer instead of Alpine Glass of Iowa. There is no evidence that Alpine Glass of Iowa was ever sent a notice of claim. If a party objects to taking official notice of these facts, the objection must be submitted in writing no later than seven days after the date of this decision.

ISSUE:

Did the claimant voluntarily quit employment with the staffing company by failing to contact the employer within three days after the completion of his work assignment?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of July 5, 2009. His weekly benefit amount is \$118.00.

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. When the claimant was hired, he signed a statement that he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant worked for the employer from July 31, 2009, to September 11, 2009. The claimant's last assignment was working at Beisser Lumber. Beisser Lumber requested the claimant be removed from the assignment due to problems with absenteeism. There is no

evidence that the claimant contacted the employer within three days of the assignment ending to ask for another assignment.

After the claimant stopped working for the employer, he worked for Alpine Glass of Iowa where he was paid \$4,210.00 in wages during the fourth quarter 2009. The claimant filed an additional claim for benefits effective January 17, 2010. For some reason, the claimant listed the employer as his most recent employer instead of Alpine Glass of Iowa. There is no evidence that Alpine Glass of Iowa was ever sent a notice of claim.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The claimant failed to satisfy the requirements of Iowa Code § 96.5-1-j and is deemed to have quit employment with the employer without good cause attributable to the employer. He is not subject to disqualification based on this separation, however, because he was paid more than ten times his weekly benefit amount in subsequent employment with Alpine Glass of Iowa.

The issue of whether the claimant is qualified to receive unemployment insurance benefits based on his separation with Alpine Glass of Iowa is remanded to the Agency to determine.

DECISION:

The unemployment insurance decision dated February 25, 2010, reference 03, is modified in favor of the employer. The claimant is deemed to have voluntarily quit without good cause effective September 11, 2009. He has requalified through his employment with Alpine Glass of Iowa. The issue of whether the claimant is qualified to receive unemployment insurance benefits based on his separation with Alpine Glass of Iowa is remanded to the Agency to determine.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css