

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFREY J IRVIN
Claimant

APPEAL NO. 13A-UI-03965-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 02/24/13
Claimant: Respondent (2)

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The employer, Team Staffing, filed an appeal from a decision dated March 28, 2013, reference 02. The decision allowed benefits to the claimant, Jeffrey Irvin. After due notice was issued, a hearing was held by telephone conference call on May 8, 2013. The claimant participated on his own behalf. The employer participated by Claims Administrator Sarah Fiedler.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Jeffrey Irvin was employed by Team Staffing from November 28, 2012 until December 14, 2012, assigned to Rock Tenn. Mr. Irvin had signed the notification policy which informed him he must contact the temporary agency within three days of the end of each assignment to request more work. Failure to do so would be considered a voluntary quit.

The claimant's last day at Rock Tenn was December 7, 2012. On December 11, 2012, the client company informed Team Staffing it had let Mr. Irvin go. By December 14, 2012, the claimant had not contacted Team Staffing to request another assignment.

Jeffrey Irvin filed a claim for unemployment benefits with an effective date of February 24, 2013. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

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 claimant had received and signed the notification which informed him he must call the temporary agency within three working days of the end of each assignment. The claimant failed to do so. His assertion he went into the Team Staffing office December 14, 2012, and spoke with Sarah was denied by the employer's witness. She is the only person named Sarah working in the Iowa City office and she did not speak with Mr. Irvin until the date of the fact-finding interview.

Under the provisions of the above Code section, failure to notify the temporary agency within three working days of the end of the assignment is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of March 28, 2013, reference 02, is reversed. Jeffrey Irvin is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount in insured work, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css