

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANWAR J DUKA
Claimant

APPEAL NO. 11A-UI-12833-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ANNA ENTERPRISES
Employer

OC: 10/04/09
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit from Temporary Employment

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated September 19, 2011, reference 05, that concluded the claimant completed his temporary work assignment. A telephone hearing was held on October 20, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Katherine Druivenga participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant started working for the employer on an assignment as a box folder on August 12, 2010, with Computer Science Corporation. 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 completing of a job assignment and request a new assignment.

After the claimant's last day of work on January 10, 2011, he reported to work at Computer Science Corporation but was informed there was no work available. The supervisor at Computer Science Corporation suggested that he contact the employer to see if there were any other assignments available. He contacted the employer and asked if there was other work for him. The staffing representative informed him that the employer had no work for him at that time and they would contact him if there was work available.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a.

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 employer has the burden to prove the claimant is disqualified from receiving unemployment insurance benefits. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982).

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing of the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. The employer has not presented sufficient credible evidence to disqualify the claimant. Druivenga's testimony was contradicted by the claimant's testimony about what happened with the Computer Science Corporation. The claimant's testimony was credible and consistent. Druivenga's testimony did not outweigh this testimony.

The claimant contacted the employer after he was told Computer Science Corporation did not have further work for him. The claimant is not subject to a voluntary quit disqualification under Iowa Code § 96.5-1-j. He completed his temporary work assignment.

DECISION:

The unemployment insurance decision dated September 19, 2011, reference 05, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

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