

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KATONNA N PAUL
Claimant

APPEAL 21A-UI-17091-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING
Employer

**OC: 05/16/21
Claimant: Respondent (2)**

Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment
Iowa Code § 96.3(7) – Overpayment of Benefits
Iowa Admin. Code r. 871-24.10 – Employer Participation in Fact Finding Interview

STATEMENT OF THE CASE:

The employer/appellant filed an appeal from the July 30, 2021 (reference 01) unemployment insurance decision that allowed benefits to the claimant based upon her separation from employment. The parties were properly notified of the hearing. A telephone hearing was held on September 24, 2021. The claimant did not participate. The employer participated through witness Colleen McGuinty. Employer's Exhibit 1 was admitted. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUE:

Did the claimant voluntarily quit by not reporting for an additional work assignment within three business days of the end of the last assignment?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was a temporary employee of a temporary employment firm. She was placed on assignment at Pediatric Group Associates as a medical assistant from November 4, 2020 until January 6, 2021. Claimant was notified by the employer that her job assignment was ending on January 6, 2021. The claimant did not request an additional job assignment from the employer. The employer had work available for the claimant. Claimant signed the employer's policy, which was separate from the contract of hire, that stated she must notify the employer of her intent to seek additional job placement after her job assignment ends. See Exhibit 1.

The employer received notification that a fact-finding interview would occur on July 29, 2021; however, the employer's designated representative did not receive a telephone call to participate in the interview. Ms. McGuinty emailed the department about the fact she did not receive a telephone call and did not receive a call back. See Exhibit 1. Claimant's administrative records establish that she has received \$0.00 in unemployment insurance benefits effective May 16, 2021, which was her original claim date.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 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. (1) 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.

(2) 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.

(3) For the purposes of this paragraph:

(a) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their workforce during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(b) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

Iowa Admin. Code r. 871-24.26(15) provides:

Employee of temporary employment firm.

a. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm within three days of completion of an employment assignment and seeks reassignment under the contract of hire. The employee must be advised by the employer of the notification requirement in writing and receive a copy.

b. The individual shall be eligible for benefits under this subrule if the individual has good cause for not contacting the employer within three days and did notify the employer at the first reasonable opportunity.

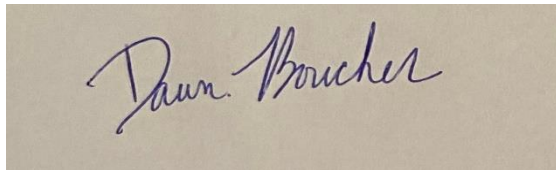
c. Good cause is a substantial and justifiable reason, excuse or cause such that a reasonable and prudent person, who desired to remain in the ranks of the employed, would find to be adequate justification for not notifying the employer. Good cause would include the employer's going out of business; blinding snow storm; telephone lines down; employer closed for vacation; hospitalization of the claimant; and other substantial reasons.

d. Notification may be accomplished by going to the employer's place of business, telephoning the employer, faxing the employer, or any other currently acceptable means of communications. Working days means the normal days in which the employer is open for business.

The plain language of the statute allows benefits for a claimant "who notifies the temporary employment firm of completion of an assignment and who seeks reassignment." Since the claimant never contacted the employer and never requested reassignment the separation from employment is disqualifying. Benefits are denied effective January 6, 2021. Because no benefits have been paid to the claimant to date, the issues of overpayment and chargeability are moot.

DECISION:

The July 30, 2021 (reference 01) unemployment insurance decision is reversed. The claimant's separation from this employer was disqualifying. Unemployment insurance benefits funded by the State of Iowa are denied until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount after her January 6, 2021 separation date, and provided she is otherwise eligible.



Dawn Boucher
Administrative Law Judge

September 29, 2021
Decision Dated and Mailed

db/mh