

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KENDRA R GREENWOOD
Claimant

APPEAL NO: 12A-UI-06212-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

OC: 01/22/12
Claimant: Respondent (1/R)

Iowa Code § 96.5(1)j – Voluntary Quit a Temporary Employment Firm

PROCEEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's May 22, 2012 determination (reference 04) that held the claimant qualified to receive benefits because she completed a job assignment and timely talked to the employer about a new assignment. The claimant participated in the hearing. Darien Sloat, the branch manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits based on her April 23, 2012 employment separation.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits, or did the employer discharge her for reasons constituting work-connected misconduct?

FINDINGS OF FACT:

The claimant previously worked for the employer. She registered to work again for the employer in March 2012. The employer most recently assigned the claimant to a job that began on March 8, 2012. The client asked the employer to remove the claimant from the assignment because of attendance issues. The last day the claimant worked at this assignment was April 23, 2012.

The claimant contacted the employer on April 24 to find out if the employer had another job to assign to her. On April 27, the claimant contacted the employer and reported she had hurt her back. The employer understood the claimant was not available to work as of April 29, 2012.

The claimant established a claim for benefits during the week of January 22, 2012. She reopened her claim the week of April 29, 2012. The employer is one of the claimant's base period employers, but a determination issued in early February 2012 (reference 02) held the employer's account was not subject to charge during the claimant's current benefit year.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. A claimant, who is a temporary employee of a temporary employment firm, may be disqualified from receiving unemployment insurance benefits if she does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise in writing about the three-day notification rule and that a claimant may be disqualified from receiving unemployment insurance benefits if she fails to timely notify the employer a job has been completed. Iowa Code § 96.5(1)j.

After the employer told the claimant an assignment was over, the next day she contacted the employer about another job. The claimant satisfied the requirements of Iowa Code § 96.5(1)j. Even if the claimant had not contacted the employer the next day, she would not be disqualified from receiving benefits because she notified the employer on April 27 that she was unable to work and asked to be inactive. 871 IAC 24.26(15). Based on the reasons for her April 23 employment separation, the claimant is not disqualified from receiving benefits.

Another determination issued on June 5, 2012 (reference 05) held the claimant was not eligible to receive benefits from April 29 through June 2, 2012. The administrative record indicates the claimant appealed this determination and a hearing is scheduled for this determination July 25 before another administrative law judge.

Since the June 5 determination held the claimant eligible to receive benefits as of June 3, this matter will be remanded to the Claims Section to unlock her claim as of June 3, 2012.

DECISION:

The representative's May 22, 2012 determination (reference 04) is affirmed. The claimant did not voluntarily quit her employment without good cause and the employer did not discharge her for reasons constituting work-connected misconduct. Based on the reasons for her April 23 employment separation, as of April 22, 2012, the claimant is qualified to receive benefits. The employer's account is not subject to charge during the claimant's current benefit year. Based on a June 5, 2012 determination (reference 05) the claimant is eligible to receive benefits as of June 3, 2012. The claimant appealed her eligibility to receive benefits between April 29 and June 2. In accordance with the June 5, 2012 determination, this matter is **Remanded** to the Claims Section to unlock the claimant's claim as of June 3, 2012.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs