

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**SUSAN BLODGETT**  
Claimant

**ADECCO USA INC**  
Employer

**APPEAL NO. 20A-UI-03984-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/15/20**  
**Claimant: Appellant (1R)**

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Iowa Code § 96.5-1 – Voluntary Quit  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Federal Law PL 116-136 Sec. 2104 – Eligibility for Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated May 6, 2020, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 29, 2020. Claimant participated. Employer failed to respond to the hearing notice and did not participate.

**ISSUES:**

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

Has the claimant been overpaid state unemployment benefits?

Is claimant eligible to receive Federal Pandemic Unemployment benefits?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer sometime in October, 2019. Claimant voluntarily quit her most recent placement the day she was placed with a beef processing plant and did not request additional placement.

Claimant admitted at the time of hire by employer that she signed documents indicating that she would be in contact with employer at the ending of an assignment and requesting additional placement. After claimant spent the half day at the processing plant, employer called on claimant and asked her what was happening. Claimant decided that she no longer wanted to work as a temp and decided to pursue full time work.

Claimant stated that within weeks of ending this employment she took up full time work for ABM in Nebraska. Claimant's work within Nebraska is not reflected in her base wages, as they were

accrued out-of-state. Claimant stated that she has since earned 10x her weekly benefit amount after ending her employment with Adecco.

Claimant has received \$2850.00 in state unemployment benefits in this matter.

Claimant has received \$3000.00 in Federal Pandemic Unemployment Compensation in this matter.

#### **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

Iowa Code section 96.5(1)j provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for work at the conclusion of each temporary assignment so they may be reassigned and continue working. The plain language of the statute allows benefits for a claimant "who notifies the temporary employment firm of completion of an employment assignment *and* who seeks reassignment." (Emphasis supplied.)

In this case, the employer had notice of the claimant's availability because it was notified of claimant's quitting of the assignment but she did not request another assignment. Benefits are denied.

Claimant has received \$2850.00 in state unemployment benefits in this matter. Said amount is an overpayment unless claimant has earned 10x her weekly benefit amount to requalify for benefits.

Claimant has received \$3000.00 in Federal Pandemic Unemployment Compensation in this matter. Said amount is an overpayment unless claimant is qualified to receive state benefits.

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

#### **DECISION:**

The decision of the representative dated May 6, 2020, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible. This matter is remanded to the benefits bureau to investigate whether claimant has earned 10x her weekly benefits through subsequent employment in Nebraska with ABM Corporation such that she had requalified for the receipt of benefits.

Claimant has been overpaid \$2850.00 in state unemployment benefits in this matter.  
Claimant has been overpaid \$3000.00 in Federal Pandemic Unemployment Compensation in this matter.



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Blair A. Bennett  
Administrative Law Judge

June 11, 2020  
Decision Dated and Mailed

bab/sam