

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRYON C BABINO**

Claimant

**APPEAL NO. 13A-UI-00430-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QPS EMPLOYMENT GROUP INC**

Employer

**OC: 09/09/12**

**Claimant: Appellant (2)**

Section 96.5-1-j - Voluntary Quit of Temporary Employment

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated January 10, 2013, reference 04, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on February 14, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness. No one participated in the hearing on behalf of the employer and the employer notified the Appeal Bureau that it was not participating.

**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 worked on an assignment at Theisens of Ames from September 28, 2012, to November 12, 2012. The claimant completed his work assignment on November 12, 2012.

On the morning of November 13, Kerri, an employee in the employer's Ames office called the claimant and informed him that Theisens no longer needed him. The claimant then notified Kerri that he was available for other assignments but was told that there were none at that time and the employer would keep him on the active list.

The claimant continued to contact the employer each week about work for a few weeks, but there was no work available for him.

The claimant had filed a new claim for unemployment insurance benefits effective September 9, 2012. The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim.

**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 persons 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 and unless the person had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter.

The claimant satisfied the requirements of Iowa Code § 96.5-1-j through his contact with the Kerri on November 13. He had completed his work assignment the previous day, and the employer knew that the assignment was done and that the claimant was seeking another assignment.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim. If the employer becomes a base period employer in a future benefit year, its account may be chargeable for benefits paid to the claimant based on this separation from employment.

**DECISION:**

The unemployment insurance decision dated January 10, 2013, reference 04, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css