

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEANETTE E STUART**  
Claimant

**APPEAL NO. 10A-UI-11034-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEMP ASSOCIATES**  
Employer

**OC: 07/04/10**  
**Claimant: Respondent (5)**

Section 96.5(1)(j) – Separation From Temporary Employment  
Section 96.5(3) – Work Refusal

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the July 30, 2010, reference 01, decision that allowed benefits based on an agency conclusion that the claimant refused an offer of work on July 6, 2010 with good cause. After due notice was issued, a hearing was held on October 8, 2010. Claimant participated. Deb Perdue represented the employer.

**ISSUES:**

Whether the claimant's separation from the temporary employment agency was for good cause attributable to the employer.

Whether the claimant refused an offer of suitable work without good cause.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer is a temporary employment agency. The claimant began getting work assignments from the employer in September 2009. She started an assignment at that time and completed the assignment in December 2009. Claimant then started a new assignment on May 10, 2010 and completed the assignment on June 13, 2010. The claimant had resided in Mount Pleasant at the time she performed work for the employer in the Mount Pleasant area. After the assignment ended on June 13, 2010, the claimant moved to Cedar Rapids. Temp Associates next contacted the claimant about another work assignment on July 6, 2010. In order to accept and perform work at the assignment, the claimant would have to commute from Cedar Rapids to Mount Pleasant or reestablish a residence in Mount Pleasant. The claimant was willing to consider relocating back to Mount Pleasant or commuting to Mount Pleasant for full-time employment, but understood the position being offered on July 6, 2010 to be only a two- to three-day assignment. The claimant initially gave some indication that she might accept the assignment, but then notified the employer she would not.

The claimant filed a claim for unemployment insurance benefits that was effective July 4, 2010.

## REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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. 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.

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.

For the purposes of this paragraph:

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

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

871 IAC 24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits

that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

The weight of the evidence in the record indicates that the claimant's June 13, 2010 separation from the temporary employment agency was for good cause attributable to the employer and would not disqualify her for unemployment insurance benefits. The claimant would be eligible for benefits in connection with that separation, provided she was otherwise eligible. The employer's account could be charged for benefits.

When a person refuses an offer of suitable employment without good cause at a time when they have an active claim for unemployment insurance benefits, they are disqualified for benefits until they have earned ten times their weekly benefit amount from insured employment. See Iowa Code section 96.5(3).

The weight of the evidence indicates the claimant had good cause for refusing the offer of employment made on July 6, 2010. Claimant had relocated to Cedar Rapids and would be forced either to commute an hour and 45 minutes to the assignment or to relocate back to Mount Pleasant to perform work at the assignment. Claimant's decision to reject the proposed work assignment would not disqualify her for benefits. Effective July 4, 2010, the claimant was eligible for benefits, provided she is otherwise eligible.

**DECISION:**

The Agency representative's July 30, 2010, reference 01, decision is modified as follows. The claimant's June 13, 2010 separation from the temporary employment agency was for good cause attributable to the temporary employment agency. The claimant rejected an offer of employment on July 6, 2010 with good cause. The claimant is eligible for benefits, provided she is otherwise eligible. The employer's account may be charged for benefits paid to the claimant.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/kjw