

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMY A REIS
Claimant

APPEAL NO: 08A-UI-01744-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 01/13/08 R: 03
Claimant: Respondent (4)

Section 96.5-1 – Voluntary Leaving/Requalification
871 IAC 24.28(1) – Requalification

STATEMENT OF THE CASE:

Express Services, Inc. (employer) appealed a representative's February 13, 2008 decision (reference 03) that concluded Amy A. Reis (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held on March 6, 2008. The claimant failed to respond to the hearing notice and provide a telephone number at which she could be reached for the hearing. The employer responded to the hearing notice and indicated that Connie Cooper would participate as the employer's representative. When the administrative law judge contacted Ms. Cooper at the time for the hearing, she agreed that the administrative law judge should make a determination modifying the representative's decision based upon a review of the information in the administrative file. Based on a review of the information in the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit, and if so is she disqualified from receiving unemployment insurance benefits?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant began an assignment on August 6, 2007. Her last day on the assignment was August 29, 2007. The employer asserts that the claimant voluntarily quit her employment with the employer by failing to contact the employer to seek reassignment within three days after the ending of her assignment.

Agency records indicate that the claimant began other employment with another employer in late August 2007 and worked full time until on or about January 3, 2008. The claimant established an unemployment insurance benefit year effective January 13, 2008. Her adjusted weekly benefit amount is \$127.00. That more recent employer reported paying covered wages to the claimant during her period of employment in excess of \$1,270.00.

REASONING AND CONCLUSIONS OF LAW:

The employer asserted the claimant voluntarily quit as of August 27, 2007 by failing to seek reassignment.

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. 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.

However, this issue does not need to be resolved because after the claimant worked for the employer but before she filed her claim for benefits January 13, 2008, she earned more than \$1,270.00 in wages from another employer. As a result, the reasons for her separation in August 2007 do not affect the claimant's eligibility to receive unemployment insurance benefits. 871 IAC 24.28(1). This also means the employer's account will not be charged for any benefits the claimant receives.

DECISION:

The representative's February 13, 2008 decision (reference 03) is modified in favor of the employer. The claimant is requalified to receive unemployment insurance benefits after her

August 29, 2007 separation. Since the claimant has requalified to receive unemployment insurance benefits, the claimant would be eligible to receive unemployment insurance benefits if she is otherwise eligible and the employer's account of the employer shall not be charged.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs