

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARIA T GOMEZ REYNOLDS
Claimant

APPEAL 21A-UI-20774-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING INC
Employer

**OC: 03/14/21
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(1) j – Voluntary Quitting – Temporary Employment

STATEMENT OF THE CASE:

On September 17, 2021, the claimant filed an appeal from the September 17, 2021, (reference 03) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on November 12, 2021. Claimant Maria Gomez Reynolds participated and testified. Employer participated through hearing representative Colleen McGuinty and employer witness Monica Wilmoth. Official notice was taken of the administrative record.

ISSUE:

Did the claimant make a timely request for another job assignment?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on September 29, 2014. Claimant last work assignment began on May 24, 2021, for Polo Custom Products until her assignment ended on July 13, 2021. Claimant voluntarily quit this assignment due to her failure to contact her employer regarding her request to work a different work schedule. The employer secured a new work scheduled for the claimant for this assignment, but the claimant failed to contact the staffing agency to follow up on her request. The claimant was aware of the requirement to contact her employer within three days following the completion of an assignment

REASONING AND CONCLUSIONS OF LAW:

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:

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 lettered 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.

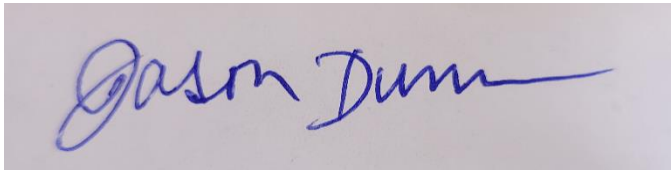
The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for work at the conclusion of each temporary assignment so they may be reassigned and continue working. The plain language of the statute allows benefits for a claimant "who notifies the temporary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

After assessing the credibility of the witnesses who testified during the hearing, reviewing the exhibits submitted by the parties, considering the applicable factors listed above, and using his own common sense and experience, the administrative law judge finds the employer's version of events to be more credible than the claimant's recollection of those events.

In this case the claimant notified her staffing agency that she wanted to work a different shift for her current assignment. The employer secured the claimant's desired change in work hours with her work assignment but the claimant never contacted the employer to determine if her request was granted. The claimant failed to contact the employment agency until several weeks later. The claimant's testimony that she was not informed or that she did not receive any of the messages left on her phone is not credible. Claimant's decision to not contact her employer back is disqualifying. Her voluntary quit was without good cause attributable to her employer and benefits are denied.

DECISION:

The September 17, 2021, (reference 03) unemployment insurance decision is affirmed. The claimant's separation was not attributable to the employer. Benefits are withheld until such time as she works in and has been paid for wages equal to ten times her weekly benefit amount, provided she is otherwise eligible.



Jason Dunn
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December 29, 2021
Decision Dated and Mailed

jd/mh