

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**SHARON A DAVIS**  
Claimant

**L A LEASING INC**  
Employer

**APPEAL 18A-UI-08801-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/22/18  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin Code r. 871-24.26 – Voluntary Quit with Good Cause

**STATEMENT OF THE CASE:**

Sharon Davis, Claimant, filed an appeal from the August 14, 2018, (reference 01) unemployment insurance decision that denied benefits because claimant failed to notify L A Leasing Inc., a temporary employment firm, within three working days of completion of claimant's last work assignment. The parties were properly notified of the hearing. A telephone hearing was held on September 7, 2018 at 9:00 a.m. Claimant participated. Employer participated through Colleen McGuinty, Unemployment Benefits Administrator. Claimant's Exhibits A and B were admitted. Employer's Exhibit 1 was admitted.

**ISSUES:**

Whether claimant's separation was a voluntary quit without good cause attributable to the employer.  
Whether claimant made 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 was employed full-time by L A Leasing, Inc., a temporary employment firm, from May 18, 2018 until her employment ended on July 24, 2018. (McGuinty Testimony; Davis Testimony) Claimant's assignment during that time was as a production worker at Sterilite Corporation. (McGuinty Testimony) Claimant worked from 7:00 a.m. until 7:00 p.m. for two days and then had two days off. (McGuinty Testimony; Davis Testimony) Claimant reported to Tanner McCutcheon, the employer's onsite supervisor. (McGuinty Testimony)

Claimant worked on Tuesday, July 24, 2018; was scheduled to be off on Wednesday, July 25, 2018 and Thursday, July 26, 2018; and was scheduled to return to work Friday, July 27, 2018. (Davis Testimony) On Thursday, July 26, 2018, Tanner McCutcheon called claimant in the morning and informed her that her placement at Sterilite had ended. (Davis Testimony) Claimant called the employer Monday, July 30, 2018 at 7:00 a.m. to request a new assignment. (McGuinty Testimony)

Claimant was advised in writing of her duty to notify the employer within three days of completion of an assignment and to request a new assignment. (Exhibit 1) Claimant received a copy of the three day notice requirement. (Exhibit 1)

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit her employment without good cause attributable to the employer. Benefits are denied.

Iowa Code section 96.5(1)(j) provides:

An individual shall be disqualified for benefits

1. 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.

Iowa Admin. Code r. 871-24.26(15) 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:

Employee of temporary employment firm.

a. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm within three days of completion of an employment assignment and seeks reassignment under the contract of hire. The employee must be advised by the employer of the notification requirement in writing and receive a copy.

b. The individual shall be eligible for benefits under this subrule if the individual had good cause for not contacting the employer within three days and did notify the employer at the first reasonable opportunity.

c. Good cause is a substantial and justifiable reason, excuse or cause such that a reasonable and prudent person, who desired to remain in the ranks of the employed, would find to be adequate justification for not notifying the employer. Good cause would include the employer's going out of business; blinding snow storm; telephone lines down; employer closed for vacation; hospitalization of the claimant; and other substantial reasons.

d. Notification may be accomplished by going to the employer's place of business, telephoning the employer, faxing the employer or any other currently accepted means of

communications. Working days means the normal days in which the employer is open for business.

The claimant has the initial burden of proving that a voluntary quit was for good cause attributable to the employer. *Id.* at § 96.6(2).

It is my duty, as the administrative law judge and the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge, as the finder of fact, may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996).

In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other evidence you believe; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996).

I assessed the credibility of the witnesses who testified during the hearing, by considering the applicable factors listed above, and using my own common sense and experience. I find the employer's version of events to be more credible than the claimant's recollection of those events, because the employer was able to provide a date and time of the claimant's telephone call to the employer and the name of the employee with whom the claimant spoke.

The claimant's assignment at Sterilite ended on July 26, 2018. The claimant did not notify the employer of her assignment ending and her desire for a new assignment until July 30, 2018, which is more than three days after her assignment ended. The claimant has not met her burden of proving "good cause" as an employee of a temporary employment firm.

#### **DECISION:**

The August 14, 2018, (reference 01) unemployment insurance decision is affirmed. Benefits are denied until such time as the claimant works in and has been paid wages for insured work equal to ten times her weekly benefit amount.

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Adrienne C. Williamson  
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Decision Dated and Mailed

acw/rvs