

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARIA C PEREZ

Claimant

APPEAL NO: 09A-UI-17145-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC

Employer

OC: 10/11/09

Claimant: Appellant (1)

Section 96.5-1-j – Voluntary Quit Temporary Employment

STATEMENT OF THE CASE:

The claimant appealed a representative's November 2, 2009 decision (reference 01) that held her disqualified from receiving benefits as of October 11, 2009, and held the employer's account exempt from charge because she had voluntarily quit her employment for reasons that do not qualify her to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record on November 16, 2009, a telephone hearing was held on December 18, 2009. The claimant did not respond to the hearing notice or participate in the hearing. Tina Meikle, the controller, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, 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 her employment for reasons that qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant most recently worked for the employer from September 15 through October 30, 2009. The employer assigned the claimant to a job assignment at a seed company. The claimant worked until the end of the season. Before the employer's site supervisor had an opportunity to talk to the claimant about another job, the claimant left. The employer understood the claimant is a migrant worker and went back to Texas after she completed her job.

When individuals apply to work for the employer, they receive information that when they have completed a job assignment they are to contact the employer within three working days about another assignment. The employer's policy informs employees that if they do not contact the employer within three working days, the employer considers them to have voluntarily quit. The claimant was eligible to work at other jobs after she completed the seed company assignment.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code sections 96.5-1, 2-a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code section 96.5-1-j. Based on the evidence presented during the hearing, the claimant knew she was required to contact the employer about another job within three days of completing an assignment and did not. For unemployment insurance purposes, the claimant voluntarily quit her employment, but did not establish good cause for quitting. Therefore, as of October 11, 2009, the claimant is not qualified to receive benefits.

DECISION:

The representative's November 2, 2009 decision (reference 01) is affirmed. For unemployment insurance purposes, the claimant voluntarily quit her employment without good cause when she did not contact the employer within three days of completing a job assignment. The claimant is disqualified from receiving unemployment insurance benefits as of October 11, 2009. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs