

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LOIS E O'NEILL
Claimant

APPEAL NO. 07A-UI-10061-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST
Employer

OC: 04/01/07 R: 04
Claimant: Respondent (1-R)

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The employer, Labor Ready, filed an appeal from a decision dated October 23, 2007, reference 05. The decision allowed benefits to the claimant, Lois O'Neill. After due notice was issued a hearing was held by telephone conference call on November 15, 2007. The claimant did not provide a telephone number where she could be contacted and did not participate. The employer participated by Branch Manager Jessica Polfer. Exhibit One was admitted into the record.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Lois O'Neill began employment with Labor Ready on June 5, 2006. Her last assignment was at Mont Chevre Creamery for one day on Friday, August 31, 2007. She completed the assignment as agreed and returned to Labor Ready on Wednesday, September 5, 2007, to sign up for further assignments.

Labor Ready has offered her other assignments since that time which she has refused. The employer alleges the claimant does not wish to work because she feels it would be better for her to stay at home.

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.

The claimant did report back to the temporary agency within three working days of the end of her last assignment. Under the provisions of the above Code section, this is not a voluntary quit and disqualification may not be imposed.

The issue of whether the claimant is disqualified for refusing offers of available, suitable work has not been adjudicated.

DECISION:

The representative's decision of October 23, 2007, reference 05, is affirmed. Lois O'Neill is qualified for benefits, provided she is otherwise eligible.

The issue of whether the claimant has refused suitable offers of work is remanded to the Claims Section for determination.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css