

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**PATRICK L MOUSEL**  
Claimant

**L A LEASING INC**  
Employer

**APPEAL 16A-UI-12434-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/24/16**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Patrick L. Mousel (claimant) filed an appeal from the November 16, 2016, (reference 02) unemployment insurance decision that denied benefits based upon the determination he voluntarily quit his employment with L A Leasing, Inc. (employer) when he failed to notify it of his availability within three days of the end of his assignment. The parties were properly notified about the hearing. A telephone hearing was held on December 7, 2016. The claimant participated personally. The employer participated through Risk Administrative Assistant Emelia Leeney and Branch Manager Shelby Kingery. No exhibits were offered or received into the record.

**ISSUE:**

Did the claimant quit by not reporting for additional work assignments within three business days of the end of the last assignment?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed in a temporary full-time position as an HR Generalist with TMK-IPSCO beginning on September 13, 2016 and the last day of his assignment was October 21, 2016. The claimant had previously worked as an employee of IPSCO Tubulars, Inc. and was laid off in July 2016. The administrative record shows his base period includes only wages from IPSCO Tubulars, Inc.. The claimant was brought back to IPSCO as a consultant through the employer.

On October 10, 2016, the claimant notified the employer that he was not working that week as agreed and that his assignment was ending the following week. He asked Account Manager Kelly Weaver if there was anything else he needed to do. Weaver told him no. The employer has a written policy that states after an assignment ends an employee is required to contact it within three days of the end of an assignment. The claimant signed but did not receive a copy of that policy.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's separation was with good cause attributable to the employer.

Iowa law disqualifies individuals who voluntarily quit employment without good cause attributable to the employer from receiving unemployment insurance benefits. Iowa Code § 96.5(1). Individuals who work for temporary staffing firms are considered to have voluntarily quit without good cause attributable to the employer if they receive written notice that they must contact the temporary firm within three days of the end of an assignment to request reassignment and they fail to do so. Iowa Code § 96.5(1)j and Iowa Admin. Code r. 871-24.26(15).

Since the employer provided no documentary evidence that it presented the claimant with a written copy of the reporting policy, the claimant's recollection that he did not receive notice of the reporting policy is credible. The claimant notified the employer when his assignment would be ending and asked if he needed to do anything else. The employer told him nothing further was required. Without the claimant receiving the written policy, his actions were reasonable to notify the employer when his assignment was ending and that he was available for work. Accordingly, benefits are allowed.

**DECISION:**

The November 16, 2016 (reference 02) unemployment insurance decision is reversed. The claimant's separation from employment was attributable to the employer. The employer had adequate knowledge about the conclusion of the claimant's assignment and the request for more work. Benefits are allowed, provided the claimant is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid to claimant.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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