

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JESSICA D RANSFORD
Claimant

EXPRESS SERVICES INC
Employer

APPEAL 21A-UI-18558-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/06/21
Claimant: Appellant (2R)

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

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the August 16, 2021 (reference 01) unemployment insurance decision that denied benefits to the claimant based upon her separation from employment on May 27, 2020. The parties were properly notified of the hearing. A telephone hearing was held on October 13, 2021. The claimant participated personally. The employer did not participate. Claimant's Exhibits A, B, and C were admitted. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUE:

Did the claimant voluntarily quit by not reporting for an additional work assignment 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 a temporary employee of a temporary employment firm. Claimant was hired on March 4, 2020 and placed on assignment with Central States Group. She worked full-time as an administrative assistant. On May 27, 2020, claimant received a telephone call from LeAnn with this employer stating that her job assignment with Central States Group had ended effective May 26, 2020 as that company no longer needed her services. Claimant told LeAnn that she was still available for full-time work; however, there was no full-time work for her to be placed at during that time.

Claimant's administrative records establish that she filed an initial claim for unemployment insurance benefits with an effective date of June 7, 2020. Her benefit year expired on June 6, 2021. She filed another original claim in a subsequent benefit year effective June 6, 2021. She began employment again effective October 1, 2021. The issue of whether the claimant worked in and was paid sufficient insured wages to be eligible for benefits in a second claim year will be remanded to the Benefits Bureau for an initial investigation and determination.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the separation was not disqualifying. Benefits are allowed, provided the claimant is otherwise eligible.

Iowa Code section 96.5(1)j provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 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.

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

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

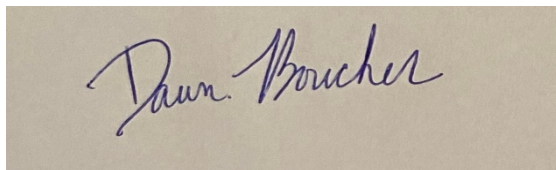
The plain language of the statute allows benefits for a claimant "who notifies the temporary employment firm of completion of an assignment and who seeks reassignment." Since the claimant did request an additional assignment from LeAnn when she was told her assignment with Central States Group was ending, and there was no work available, no disqualification is imposed. The separation from employment is not disqualifying and unemployment insurance benefits funded by the State of Iowa are allowed, provided claimant remains otherwise eligible.

DECISION:

The August 16, 2021 (reference 01) unemployment insurance decision is reversed. The claimant's separation from employment on May 27, 2020 was not disqualifying. Benefits are allowed, provided claimant remains otherwise eligible.

REMAND:

The issue of whether the claimant has worked in and been paid sufficient insured wages to be eligible for benefits in a second benefit year pursuant to Iowa Code § 96.4(4) is remanded to the Benefits Bureau for an initial investigation and determination.



Dawn Boucher
Administrative Law Judge

October 18, 2021
Decision Dated and Mailed

db/kmj