

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LYLE D GUSE**  
Claimant

**APPEAL NO. 07A-UI-10330-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**USA STAFFING INC**  
Employer

**OC: 09/30/07 R: 02**  
**Claimant: Respondent (1)**

Section 96.5-1 - Voluntary Quit  
Section 96.5-3-a - Failure to Accept Suitable Work

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated October 31, 2007, reference 01, that concluded the claimant voluntarily quit employment with cause attributable to the employer. A telephone hearing was held on November 27, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness. Stacey Tinkham participated in the hearing on behalf of the employer with a witness, Cristin Adams.

**ISSUES:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?  
Did the claimant fail to accept an offer of suitable work without good cause?

**FINDINGS OF FACT:**

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. When the claimant was hired, he signed a statement that he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant worked for the employer from December 5, 2005, to September 26, 2007. His last assignment was working as a banquet server on September 25 and 26. He completed the job assignment. The following day, the claimant reported to the employer's office to pick up his paycheck. He asked if there was work available and was told that the employer did not have anything at that time.

The claimant has not been offered any work by the employer since September 26, 2007. The claimant's wife also works for the employer. The employer has called for the claimant's wife to work but not for the claimant.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. I believe the claimant's testimony that he went into the office to pick up his check on September 27, 2007, and asked if there was work available. This satisfies the requirements of the statute. The employer alleged that the claimant accepted a one-day work assignment on October 6, 2007, and failed to report. I again believe the claimant's testimony that he had not been offered employment after his last assignment.

**DECISION:**

The unemployment insurance decision dated October 31, 2007, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs