

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SHAKIEA GOLDMAN
Claimant

APPEAL NO. 14A-UI-05407-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

**OC: 04/06/14
Claimant: Appellant (1)**

Iowa Code § 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

Shakiea Goldman (claimant) appealed an unemployment insurance decision dated May 15, 2014, (reference 02), which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Express Services, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 16, 2014. The claimant participated in the hearing. The employer participated through Alex Fagen, Office Manager.

ISSUE:

The issue is whether the claimant is disqualified for failure to contact the temporary employment agency within three working days after the completion of her assignment to request additional work, when and if notified of this requirement at the time of hire.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment agency and the claimant was hired on October 30, 2012. At the time of hire, she signed a contract orientation sheet, which advised her of the requirement to check in for additional work after the completion of an assignment. The employer requires employees to check in within 72 hours or three working days after an assignment ends to provide the employer notification of the claimant's availability and failure to do so, without reasonable cause, would be considered as a voluntary quit. This policy is listed on two different documents.

The claimant's last assignment with Rain and Hills Insurance ended on January 9, 2014. She testified she went in to get her last paycheck and asked Tori about additional work. The claimant's last check was issued on January 17, 2014, which was beyond the three-day timeframe. Also, when an employee indicates they are available, they are marked available in the computer system and the claimant was not check marked as available until April 21, 2014, at 2:25 p.m. The claimant was considered to have voluntarily quit as of January 15, 2014.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1. The employer herein is a temporary employment agency and temporary employment agencies are governed by Iowa Code § 96.5-1-j, which places specific restrictions on both the employer and the employee with regard to unemployment insurance benefits.

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 the employer did so in this case. The employer must also notify the individual that she may be disqualified from receiving unemployment insurance benefits if she fails to notify the employer. Iowa Code § 96.5-1-j.

The claimant admitted she knew she was required to contact the employer after the completion of her assignment so the employer knew whether she was available for additional assignments. She testified she contacted the employer for additional work when she went to pick up her final check, but she did not pick up her final check until January 17, 2014. After the employer provided that information, the claimant then changed her testimony and said she went to pick up checks on both January 10 and January 17, 2014, but the altered testimony was not persuasive. Additionally, if she would have indicated to the employer that she was available to work, her status would have been changed in the employer's computer system and it was not changed until April 21, 2014.

The claimant has not established good cause for her failure to satisfy the requirements of Iowa Code § 96.5-1-j and she is disqualified from receiving unemployment insurance benefits

DECISION:

The unemployment insurance decision dated May 15, 2014, (reference 02), is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css