

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESUS CHAVARRIA
Claimant

APPEAL NO: 100-UI-03552-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES - MARSHALLTOWN
Employer

OC: 10/18/09
Claimant: Respondent (2)

Section 96.5-1-j – Voluntary Quit Temporary Employment Firm

STATEMENT OF THE CASE:

The employer appealed a representative's November 25, 2009 decision (reference 04) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant completed a job assignment and then was laid off from work. A hearing was initially held on January 12, 2010. The claimant did not participate in this hearing. The claimant appealed an administrative law judge's January 26, 2010 decision. The Employment Appeal Board remanded this matter to the Appeals Section because the claimant did not know about the January 12 hearing.

Another telephone hearing was held on April 5, 2010. The claimant participated in the hearing. Judy Rebik, a manager, appeared on the employer's behalf. Celia Huante interpreted the hearing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer on March 18, 2009. When the claimant registered to work for the employer's clients, he received information that when he completed a job assignment he was required to contact the employer within three working days for another assignment.

The employer assigned the claimant to a job on March 31, 2009. The claimant worked at this job assignment until September 25, 2009. The client told the claimant the job was completed. The client advised the employer on September 25, 2009, that the job was completed.

The claimant went to the employer's office on October 2, 2009. The claimant picked up his last paycheck. The claimant asked about more work on October 2 and learned the employer did not

have much work at that time. The employer does not know what if any work there was in late September or early October to assign to the claimant.

The claimant established a claim for benefits during the week of October 18, 2009. He has filed for but not received benefits.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code sections 96.5-1, 2-a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. 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 that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code section 96.5-1-j.

The claimant received information that he was required to contact the employer within three working days of completing an assignment. He did not contact the employer within three working days. In accordance with the law, the claimant voluntarily quit the temporary employment firm for unemployment insurance purposes. Therefore as of October 18, 2009, the claimant is not qualified to receive benefits.

DECISION:

The representative's November 25, 2009 decision (reference 04) is reversed. The claimant voluntarily quit his employment when he failed to contact the employer by September 30, 2009, to see if the employer had another job to assign to him. The claimant is disqualified from receiving unemployment insurance benefits as of October 18, 2009. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs