

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEREMY R BENSON
Claimant

APPEAL NO. 10A-UI-04412-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS
Employer

**OC: 01/31/10
Claimant: Appellant (1)**

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The claimant, Jeremy Benson, filed an appeal from a decision dated March 10, 2010, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on May 6, 2010. The claimant participated on his own behalf. The employer, Team Staffing Solutions, participated by Claims Administrator Sarah Fiedler.

ISSUE:

The issue is whether the claimant quit work without good cause attributable to the employer.

FINDINGS OF FACT:

Jeremy Benson was employed by Team Staffing from April 30, 2009 until February 4 2010. During that time he was assigned to a client company, GPC. On February 1, 2010, the client company notified Account Manager Charity Stone to end the claimant's assignment. Ms. Stone notified the claimant not to report to work any longer. The client did not want him because of "attitude, personality and performance" issues. Mr. Benson said he wanted Ms. Stone to "hear both sides of the story" and he wanted to come to the Muscatine office to talk to her.

Later that day Mr. Benson called back and asked Ms. Stone if he would qualify for unemployment benefits. She told him to contact Iowa Workforce Development with these questions as she was not an expert. The claimant did not ask for more work and did not contact Team Staffing until April 2010, when he requested a copy of his W-2 form. When he was in the office to pick it up he still did not ask for more work. He had been notified of the requirement to request a new assignment within three working days of the end of any assignment.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-j provides:

An individual shall be disqualified for benefits:

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. 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.

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.

For the purposes of this paragraph:

(1) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their work force during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(2) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

The claimant was understandably upset that his long-term assignment at GPC had ended and he wanted the employer to hear his side of the story. But that is not a request for more work. He had sufficient opportunity to request another assignment and never did so. Under the provisions of the above Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of March 10, 2010, reference 01, is affirmed. Jeremy Benson is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs