

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TERI J HART**  
Claimant

**APPEAL NO. 13A-UI-01511-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 01/15/12**  
**Claimant: Respondent (1)**

Section 96.5-1-j – Voluntary Quit/Failure to Seek Re-Assignment

**STATEMENT OF THE CASE:**

The employer appealed from a representative's decision dated February 6, 2013, reference 02, that held claimant completed a temporary job assignment on December 18, 2012, and benefits are allowed. A telephone hearing was held on March 6, 2013. The claimant participated. Mike Payne, Loss Prevention Specialist, participated for the employer. Employer Exhibit 1 was received as evidence.

**ISSUE:**

Whether claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds that: The claimant began her most recent temporary work assignment for the employer at NSK on December 4, 2012, and she signed an employer policy that provides she must seek re-assignment within three days of job completion. The claimant last worked on assignment at NSK Corporation on December 17.

Claimant learned the employer was going to have a plant shutdown for the holidays beginning December 21. She called an employer representative on December 12 to request leave from the assignment due to her mother's surgery. She had confirmed with an NSK representative there would be no problem with it. Claimant worked on December 17 and was off work to be with her mother on December 18.

Claimant's mother did so well in surgery that claimant advised she could return to the temporary assignment but was told she was not needed. Claimant spoke with an employer representative she was not needed back at NSK when the shutdown was over the first part of January, and claimant was not offered any further work assignment elsewhere.

## 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 administrative law judge concludes claimant completed her temporary work assignment for her employer on December 17, 2012 when she was relieved of any further work prior to the plant shutdown on December 21 though she made herself available on December 18 after a one-day absence.

Since the employer failed to put claimant back to work at NSK or offer any other assignment though claimant stayed in contact with the employer, there is no voluntary quit disqualification in this matter.

**DECISION:**

The department decision dated February 6, 2013, reference 02, is affirmed. The claimant voluntarily quit with good cause on December 17, 2012 due to substantial completion of a temporary job assignment. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/css