

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEN G KRADLE
Claimant

APPEAL NO. 13A-UI-01019-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LA LEASING INC
SEDONA STAFFING
Employer

OC: 12/23/12
Claimant: Appellant (1)

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The claimant, Ken Kradle, filed an appeal from a decision dated January 18, 2013, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on February 27, 2013. The claimant participated on his own behalf. The employer, Sedona Staffing, participated by Unemployment Benefits Administrator Colleen McGuinty and Account Manager Shelby Kingery.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Ken Kradle was employed by Sedona from November 1 until December 20, 2012. At the time of hire he signed a document which notified him he must contact the agency within three working days of the end of each assignment to request more work. The document further informed him failure to do so would be considered a voluntary quit.

Account Manager Shelby Kingery called Mr. Kradle on Monday, December 17, 2012, to notify him the assignment was over. At that time he did not ask for another assignment but said he was out of town and would call her back to give a new mailing address. He did not contact Sedona after that to give a new address or request more work.

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 notified he was required to contact the agency within three working days to request another assignment or be considered a voluntary quit. He failed to do 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 January 18, 2013, reference 01, is affirmed. Ken Kradle is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount in insured work, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/tll