

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HAWA SMITH
Claimant

APPEAL NO. 14A-UI-02225-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ANNA ENTERPRISES
Employer

OC: 02/02/14
Claimant: Respondent (4-R)

Section 96.5-1 - Voluntary Quit
871 IAC 24.27 - Voluntary Quit of Part-time Job

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated February 25, 2014, reference 01, that concluded she completed her temporary work assignment. A telephone hearing was held on March 19, 2014. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. William VanSloun participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit part-time employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. When the claimant was hired, she was given a statement to read and sign that said she would be considered to have voluntarily quit employment if she did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant worked part time for the employer for two days on July 11 and 12 on an assignment at Maurice's Distribution. She completed the assignment but did not contact the employer within three days to request and new assignment.

The claimant filed a claim for unemployment insurance benefits effective February 2, 2014. Her base-period wages included wages from Randstad General Partners for the fourth quarter 2012 (\$4,432.57) and first quarter 2013 (\$1,555.83) and wages from the employer for the third quarter 2013 (\$104.00).

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer, which is grounds for disqualification under Iowa Code § 96.5-1.

Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements. The claimant in this case was informed that she needed to contact the employer within three days after completing a temporary work assignment. Consequently, she voluntarily quit employment without good cause attributable to the employer.

871 IAC 24.27 provides that a claimant who voluntarily quits part-time employment without good cause and has not requalified for benefits, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. Instead, the benefit payments will be made based on the wages from the other employers, and the part-time employer's account will not be charged for benefits paid.

Even though the claimant voluntarily quit employment without good cause, the job was part time, and the claimant has sufficient wages from other employers to qualify to receive unemployment insurance benefits. Pursuant to the rule, the employer's account will not be subject to charge for benefits paid to the claimant.

The Agency has issued a decision that the claimant was ineligible for benefits because she had not satisfied the requirement of earning \$250.00 since her previous benefit year. That decision has not been appealed and remains in effect.

DECISION:

The unemployment insurance decision dated February 25, 2014, reference 01, is modified in favor of the employer. The claimant is qualified to receive unemployment insurance benefits, provided she is otherwise eligible. The employer's account will be exempt from charge for benefits paid to the claimant. The matter of recalculating the claimant's maximum benefit amount (if necessary) excluding the wages from the employer is remanded to the Agency.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css