

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**WREN A EINCK**  
Claimant

**QPS EMPLOYMENT GROUP INC**  
Employer

**APPEAL NO: 14A-UI-06968-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/01/14**  
**Claimant: Respondent (2)**

Section 96.5-1-J – Voluntary Quit/Assignment Completion

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated June 25, 2014, reference 02, that held claimant was eligible for benefits by completing her temporary assignment on March 3, 2014 and notifying her employer within three working days. A telephone hearing was held on July 29, 2014. The claimant did not participate. Dan Garcia, Branch Manager, participated for the employer.

**ISSUE:**

Whether the claimant voluntarily quit without 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: The employer is a temporary employment firm. The claimant worked for the employer on an assignment at Jeld Winn beginning August 13, 2013, and last worked full-time labor at Lennox on February 28, 2014. Claimant had advance notice the assignment was ending March 3 and she completed her work on February 28.

Claimant did not contact the employer about any further work assignment. The employer called claimant about work on March 11 and she responded she had gone to work at Richelou Foods through another temp agency. The department issued a June 24, 2014, reference 01, decision claimant voluntary quit this work at Temp Associates without good cause on April 30, 2014 and she was denied benefits. Claimant did not appeal. She has received no benefits on her June 1, 2014 claim.

Claimant failed to respond to the hearing notice. There is no record on UI Appeals C2T control system that claimant called in with a phone number to be contacted for this hearing.

## 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 voluntarily quit without good cause attributable to her employer when she completed her assignment as of March 3, 2014, but failed to make herself available for further work assignment within three working days.

It appears claimant did not want to work further for the employer because she accepted an assignment with Temp Associates, but the record shows she did not make herself available to work for the employer that is disqualifying. It is unknown when claimant accepted other employment though she so informed the employer when rejecting work on March 11.

Since claimant has received no benefit, there is no overpayment issue.

**DECISION:**

The department decision dated June 25, 2014, reference 02, is reversed. The claimant voluntarily quit without good cause attributable to her employer on March 3, 2014. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, 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