

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROFELLE MCGEE
Claimant

APPEAL NO. 07A-UI-10803-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**RJ PERSONNEL INC
TEMP ASSOCIATES**
Employer

**OC: 10/21/07 R: 04
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The employer, Temp Associates, filed an appeal from a decision dated November 15, 2007, reference 01. The decision allowed benefits to the claimant, Rofelle McGee. After due notice was issued, a hearing was held by telephone conference call on December 10, 2007. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by Account Manager Mike Thomas. Exhibit One was admitted into the record.

ISSUE:

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

FINDINGS OF FACT:

Rofelle McGee was employed by Temp Associates from October 24, 2006 until January 12, 2007, as a temporary worker at West Liberty Foods. At the time of hire, he signed an availability statement in which he acknowledged he was to notify Temp Associates within three working days of the end of each assignment for further work. Failure to do so would be considered a voluntary quit.

Mr. McGee was released by the client on January 8, 2007, for attendance reasons. The claimant did not contact Temp Associates within three working days and was considered a voluntary quit on January 12, 2007.

Rofelle McGee filed a claim for unemployment benefits with an effective date of October 21, 2007. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1 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.

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 failed to contact the temporary agency within three working days of the end of his last assignment. He had been notified in writing of the requirement to do so. Under the provisions of the above Administrative 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 November 15, 2007, reference 01, is reversed. Rofelle McGee 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/kjw