

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHAD C TRENARY
Claimant

MASTERTON PERSONNEL INC
Employer

APPEAL NO: 13A-UI-02642-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/01/12
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant appealed a department decision dated February 27, 2013, reference 05, that held he voluntarily quit without good cause attributable to the employer on January 18, 2013, and benefits are denied. A hearing was held on April 23, 2013. The claimant did not participate. Jim Robertson, Unemployment Operations Manager, and Katie Spieker, Recruiter, 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. Claimant signed an obligation to seek reassignment agreement with the employer on June 3, 2011. It states he must seek a new assignment within (3) three working days of a work assignment completion. It also warns that a failure to do so may result in a voluntary quit of employment and a denial of unemployment benefits.

The claimant worked for the employer on an assignment at Iowa Mold Tooling beginning July 23, 2012. The employer called claimant on January 18, 2013 stating the assignment had ended due to a work production slow-down. The claimant made no inquiry about a new work assignment at that time or within three working days. The employer left a telephone message for claimant on January 24 for a job assignment in Britt, Iowa but he did not respond.

Claimant was not available at the phone number he provided when called for the 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 the claimant voluntarily quit without good cause attributable to his employer when he completed his assignment on January 18, 2013, and failed to seek a new assignment within three working days.

The claimant signed an agreement to seek new work assignments upon job completion. It warned him that failure to do so within three working days would be considered a voluntary quit that could deny him unemployment. Although the employer was not obligated, it tried to communicate a new job assignment and claimant did not respond.

DECISION:

The department decision dated February 27, 2013, reference 05, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on January 18, 2013. Benefits

are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/tll