

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**DOUGLAS J FULL**

Claimant

**ADVANCE SERVICES INC**

Employer

**APPEAL NO. 17A-UI-06133-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/11/16**

**Claimant: Appellant (2)**

Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated June 13, 2017, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 6, 2017. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate.

**ISSUE:**

Did the claimant quit by not reporting for an additional work assignment within three business days of the end of the last assignment?

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant filled out an application at Syngenta when applying for work on or around April 10, 2017. At that time claimant met with a Syngenta employee who had claimant fill out documents for both Syngenta and Advance Services. Included in that document was a notice form that claimant said included information that he was to be in contact with employer within three days of a separation from his placement.

Claimant stated that slightly over one month later the same Syngenta employee announced that Syngenta would be laying off its temporary workers during the slow time of year. This was the only representative claimant had met from either Syngenta or Advance Services. The Syngenta worker gave claimant no name as to claimant's need to be in contact with Advance Services to alert them of the layoff, nor was any name or number given for Advance Services. At the time of layoff, the Syngenta representative told claimant that Syngenta would be in touch with him when he was being recalled to return to work.

Claimant did not call Advance Services within three days of his layoff asking for additional work.

## REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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. (1) 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.

(2) 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.

(3) For the purposes of this paragraph:

(a) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their workforce during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(b) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

The claimant's separation from employment was attributable to the employer as the employer did not inform claimant that he was to be in contact with Advance Services. As claimant had no contact with any representative of Advance Services, claimant cannot be expected to have known to have contact with those parties when he'd never visited the building or spoke with any employee. Claimant's only work contact was an employee of Syngenta that indicated claimant would be contacted by that employer when he was called back to work. It is reasonable given this information that claimant did not contact Advance Services asking for additional placement as he had no idea whom to be in contact with.

Claimant is obligated to be available for work *and* make an earnest and active (*at least* two job contacts per week) search for work during each week he claims unemployment insurance benefits.

**DECISION:**

The June 13, 2017, (reference 03) unemployment insurance decision is reversed. The claimant's separation was attributable to the employer. Benefits are allowed provided he is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/scn