

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**CALEB A COCKRELL**

Claimant

**APPEAL 24A-UI-02859-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**

Employer

**OC: 02/11/24**

**Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Caleb Cockrell, the claimant/appellant,<sup>1</sup> appealed the Iowa Workforce Development (IWD) March 6, 2024 (reference 01) unemployment insurance (UI) decision. IWD denied Mr. Cockrell REGULAR (state) UI benefits because IWD concluded he voluntarily quit working for this employer, a temporary staffing agency, on February 15, 2024 when he did not notify the employer within 3 days of the end of his assignment, even though the employer told him in writing about the notification requirement. On March 15, 2024, the Iowa Department of Inspections, Appeals, and Licensing (DIAL), UI Appeals Bureau mailed a notice of hearing to Mr. Cockrell and the employer for a telephone hearing scheduled for April 4, 2024.

The administrative law judge held a telephone hearing on April 4, 2024. The employer participated in the hearing through Steve Jannick, onsite coordinator, Barbara Jarrett, branch manager, Mike Westfall, account manager, and Sarah Fielder, human resources manager. Mr. Cockrell participated in the hearing personally. Johnathan Cockrell, Mr. Cockrell's father, participated as a witness for Mr. Cockrell. The administrative law judge took official notice of the administrative record and admitted Claimant's Exhibit A and Employer's Exhibits 1-2.

**ISSUES:**

Did Mr. Cockrell voluntarily quit without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Cockrell began working for the employer in November 2019. He worked as a full-time assembler assigned to work at Winegard. His employment ended on February 15, 2024.

The employer's policy provides that an employee is required to request a new assignment from the employer within three working days of the end of an assignment and if the employee does not do so the employee is deemed to have voluntarily quit. The policy is in writing, and Mr. Cockrell acknowledged receiving a copy of the policy on his hire date.

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<sup>1</sup> Claimant is the person who applied for UI benefits. Appellant is the person or employer who appealed.

On February 13, Mr. Jannick called Mr. Cockrell before his scheduled shift and told him that he was laid off. This upset Mr. Cockrell. So, Mr. Cockrell called his father and told his father that the employer laid him off.

The next day, Mr. Cockrell and his father went to the employer officer and spoke with David Thompson. Mr. Cockrell's father asked Mr. Thompson if the employer had any other assignments available for his son, Mr. Cockrell, within walking distance of Mr. Cockrell's residence. Mr. Thompson stated that the employer would contact Mr. Cockrell if something came up. Mr. Cockrell and his father also asked about Mr. Cockrell's paystubs and paid-time-off (PTO) and/or casual time. Mr. Thompson entered notes in the employer's tracking system about the conversation. Mr. Thompson did not note that Mr. Cockrell's father asked for a new assignment for Mr. Cockrell.

The employer paid Mr. Cockrell PTO and/or casual time through February 15, 2024.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes Mr. Cockrell's separation from employment on February 15, 2024 was with good cause attributable to the employer, so he is eligible for UI benefits.

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.

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 lettered paragraph:

(a) "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.

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

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for work at the conclusion of each temporary assignment so they may be reassigned and continue working. The language of the statute allows benefits for a claimant who notifies the temporary employment firm of completion of an assignment and who seeks reassignment.

Iowa Admin. Code r. 871-24.26(15) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

Employee of temporary employment firm.

a. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm within three days of completion of an employment assignment and seeks reassignment under the contract of hire. The employee must be advised by the employer of the notification requirement in writing and receive a copy.

b. The individual shall be eligible for benefits under this subrule if the individual had good cause for not contacting the employer within three days and did notify the employer at the first reasonable opportunity.

c. Good cause is a substantial and justifiable reason, excuse or cause such that a reasonable and prudent person, who desired to remain in the ranks of the employed, would find to be adequate justification for not notifying the employer. Good cause would include the employer's going out of business; blinding snow storm; telephone lines down; employer closed for vacation; hospitalization of the claimant; and other substantial reasons.

d. Notification may be accomplished by going to the employer's place of business, telephoning the employer, faxing the employer, or any other currently accepted means of communications. Working days means the normal days in which the employer is open for business.

In this case, Mr. Cockrell, through his father, asked for a new assignment the day after the employer laid him off. The fact that Mr. Cockrell's father made the request while helping his son does not negate the request. Furthermore, the fact that Mr. Cockrell had not previously told the employer about his intellectual disability does not negate his wish and/or need for his father to have helped him. Finally, Mr. Cockrell's father testified from personal knowledge about the conversation he and his son, Mr. Cockrell, had with Mr. Thompson on February 14. The employer's evidence about this conversation was Mr. Thompson's notes. Mr. Cockrell's father is more credible than Mr. Thompson's notes. Mr. Cockrell did what he was supposed to do per the employer's policy – he asked for a new assignment within 3 days of the employer laying him off. Mr. Cockrell is eligible for UI benefits.

**DECISION:**

The March 6, 2024 (reference 01) UI decision is REVERSED. Mr. Cockrell's separation from employment with the employer on February 15, 2024 with good cause attributable to the employer. Mr. Cockrell is eligible for UI benefits, as long as no other decision denies him UI benefits.



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Daniel Zeno  
Administrative Law Judge

April 8, 2024  
Decision Dated and Mailed

rvs

**APPEAL RIGHTS.** If you disagree with this decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
Online: [eab.iowa.gov](http://eab.iowa.gov)**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.