

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BERNARD PENELTON
Claimant

REMEDY INTELLIGENT STAFFING INC
Employer

APPEAL 19A-UI-10002-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/17/19
Claimant: Respondent (1R)**

Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

STATEMENT OF THE CASE:

On December 18, 2019, the employer filed an appeal from the December 9, 2019, (reference 11) unemployment insurance decision that allowed benefits based on claimant's separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on January 14, 2020. Claimant did not register for the hearing and did not participate. Employer participated through franchise owner Clint Martin. Employer's Exhibit 1 was received.

ISSUES:

Did the claimant quit by not reporting for additional work assignments within three business days of the end of the last assignment?
Has the claimant been overpaid unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?
Can any charges to the employer's account be waived?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Employer is a temporary staffing firm. On August 7, 2019, claimant completed a one-day general labor assignment with one of employer's clients.

Employer has a policy stating employees must request another assignment within two days of an assignment ending. Claimant was aware of the policy. Claimant followed the policy when he requested another assignment on August 8, 2019.

Employer offered claimant assignments on August 8, 2019, and August 14, 2019. Claimant did not accept the assignments. The Benefits Bureau of Iowa Workforce Development has not issued an initial decision on whether claimant refused a suitable offer of work on these dates.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation was with good cause attributable to the employer.

Iowa Code section 96.5(1)j provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

In this case, claimant requested another assignment within a day of his temporary assignment ending. Therefore, claimant's separation is without good cause attributable to employer.

However, there is a remaining issue regarding whether claimant refused a suitable offer of work. That issue will be remanded to the Benefits Bureau for an initial decision.

Because benefits are allowed based on this separation from employment, the issues regarding overpayment of benefits are moot and will not be discussed further in this decision.

DECISION:

The December 9, 2019, (reference 11) unemployment insurance decision is affirmed. The claimant's separation from employment was attributable to the employer. Benefits are allowed, provided he is otherwise eligible.

REMAND:

The issue of whether claimant refused a suitable offer of work as delineated in the findings of fact above is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and decision.



Christine A. Louis
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January 15, 2020
Decision Dated and Mailed

cal/scn