

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NATALIA ESTEBAN
Claimant

APPEAL NO. 07A-UI-00699-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF CDR RPDS
Employer

**OC: 12/10/06 R: 02
Claimant: Appellant (2)**

Section 96.5-1-j – Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 18, 2007, reference 01, that concluded she had voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on February 5, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing with the assistance of an interpreter, Ike Rocha.. Debbie Chamberlin participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer on one assignment with Monsanto from August 31, 2006, to September 29, 2006.

The claimant's primary language is Spanish and she has difficulty understanding English. When the claimant was hired, she signed a statement in English that she would be considered to have voluntarily quit employment if she did not contact the employer within three working days after the completion of a job assignment and request a new assignment. This requirement was not explained to the claimant in Spanish.

The claimant was informed that she no longer had any employment with Monsanto, but she did not report back to the employer because she did not understand that she was required to. She sought work on her own.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without

good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. I believe that the requirement for contacting the employer within three days was not explained to the claimant and the statement that she signed was in English. She is not subject to disqualification under Iowa Code section 96.5-1-j. She is eligible for benefits since she completed her work assignment.

DECISION:

The unemployment insurance decision dated January 18, 2007, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs