

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT A WHITEHURST
Claimant

APPEAL NO. 11A-UI-03138-M2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF D M
Employer

**OC: 12/05/10
Claimant: Appellant (2)**

871 IAC 24.26(19) – Voluntary Quit - Spot or Casual Labor
Iowa Code § 96.5(1)j – Voluntary Leaving - Temporary Employment

STATEMENT OF THE CASE:

Claimant filed an appeal from the March 7, 2011, reference 03, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on April 4, 2011. The claimant participated. The employer participated.

ISSUE:

The issue is whether claimant voluntarily quit his work from a temporary employment firm.

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant was employed through the employer performing various temporary work assignments through December 27, 2010, when an assignment ended. The claimant called and asked for a new assignment on December 28, 2010, but no assignments were available.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant did not voluntarily quit his employment without good cause attributable to the employer.

The law requires an employee who is covered to have “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.” Iowa Code 96.5-1-j. The claimant did receive this document.

The claimant is a temporary employee and is required to notify the temporary agency with three working days of the end of the assignment and of the availability to accept reassignment. In this case, the claimant did give the employer notice of his availability and, therefore, is considered to

have completed his assignment and was separated by there being no further work available. This is a non-disqualifying separation from employment.

DECISION:

The March 7, 2011 reference 03, decision is reversed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.

Stan McElderry
Administrative Law Judge

Decision Dated and Mailed

srm/kjw