

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

JANE A CUPPLES
PO BOX 121
DELAWARE IA 52036

MANPOWER INC OF CEDAR RAPIDS
1220 INDUSTRIAL AVE
HIAWATHA IA 52233-1155

Appeal Number: 05A-UI-03281-CT
OC: 02/13/05 R: 04
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

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.

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.

YOU MAY REPRESENT yourself in this appeal or you may 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. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Jane Cupples filed an appeal from a representative's decision dated March 21, 2005, reference 02, which denied benefits based on her separation from Manpower, Inc. of Cedar Rapids. After due notice was issued, a hearing was held by telephone on April 15, 2005. Ms. Cupples participated personally. The employer participated by Debra Chamberlain, Risk Control Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Cupples began working through Manpower in June of

2002. From August 9 until November 12, 2004, she worked on an assignment with Guttenberg Industries. She was notified by Manpower on November 12 that the assignment was over. During that telephone conversation, Ms. Cupples questioned the Manpower representative about the availability of other work. She was advised that there was currently no work available in the geographic area she was willing to work in but that she would be contacted if and when work became available. She began a new assignment on March 22, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Cupples was separated from employment for any disqualifying reason. When she filed her claim for job insurance benefits, she had last worked for Manpower on November 12, 2004. On that date, she completed her last assignment. She sought reassignment on November 12, but Manpower did not have work available in the area she was willing to work. Based on the forgoing, the administrative law judge concludes that Ms. Cupples completed her last assignment and sought reassignment as required by Iowa Code section 96.5(1)j. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated March 21, 2005, reference 02, is hereby reversed. Ms. Cupples was separated from Manpower on November 12, 2004 for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/sc