

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VALERIE S SPINLER
Claimant

APPEAL NO. 07A-UI-05115-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER TEMPORARY SERVICES
Employer

**OC: 12/24/06 R: 01
Claimant: Respondent (1)**

Section 96.5-1-j – Temporary Employment

STATEMENT OF THE CASE:

Manpower Temporary Services (employer) appealed a representative's May 7, 2007 decision (reference 03) that concluded Valerie S. Spinler (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's April 5 employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 6, 2007. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which she could be contacted to participate in the hearing. As a result, no one represented the claimant. Todd Ashenfelter, a staffing specialist, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharged her for work-connected misconduct?

FINDINGS OF FACT:

The claimant registered to work for the employer on May 10, 2006. The employer assigned the claimant to a job. The claimant's job assignment ended on April 5, 2007 when the employer's client had no more work for the claimant. The employer's on-site representative informed the claimant she was laid off from this job assignment. The claimant contacted the employer's office for another job that same day. The employer did not have another job to assign the claimant.

On May 4, 2007, the claimant informed the employer she was no longer available to work for the employer.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment for reasons that do not qualify her to receive unemployment insurance benefits or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5-1-j. The claimant met all the requirements of Iowa Code § 96.5-1-j. The claimant's April 5 employment separation was for nondisqualifying reasons because the claimant was laid off from the assignment when the employer's client had no more work for her to do.

The fact the claimant was no longer available to work for the employer as of May 4 does not mean she is not eligible to receive benefits. As long as the claimant is able to and available for work in which she has experience or skills, a claimant does not have to remain available to work for one employer or one temporary employment firm. The claimant is qualified to receive unemployment insurance benefits as of April 8, 2007, provided she meets all other eligibility requirements.

DECISION:

The representative's May 7, 2007 decision (reference 03) is affirmed. The claimant's April 4, 2007 employment separation occurred as the result of nondisqualifying reasons. As of April 8, 2007, the claimant is qualified to receive unemployment insurance benefits, provided she meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css