

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHERYL L FRANZEN
Claimant

APPEAL NO. 09A-UI-00473-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER TEMPORARY SERVICES
Employer

**OC: 06/29/08 R: 01
Claimant: Appellant (2)**

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Sheryl Franzen filed an appeal from a representative's decision dated January 7, 2009, reference 01, which denied benefits based on her separation from Manpower Temporary Services. After due notice was issued, a hearing was held by telephone on January 28, 2009. Ms. Franzen participated personally. The employer participated by Todd Ashenfelter, Staffing Specialist.

ISSUE:

At issue in this matter is whether Ms. Franzen was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Franzen began working for Manpower on September 15, 2006. Her last assignment was with NSK, where she worked full time from December 19, 2006 until October 30, 2008. Manpower notified her on October 31 that she was being laid off from NSK. She was not told of a return-to-work date or offered an assignment elsewhere.

Manpower did not notify Ms. Franzen at the time of hire that she had to contact Manpower within three working days of the end of each assignment. Her next contact with Manpower after October 31 was on January 7, 2009. She was not offered work on January 7.

REASONING AND CONCLUSIONS OF LAW:

Ms. Franzen was hired by Manpower to work on temporary assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(22). It is undisputed that Ms. Franzen completed her assignment with NSK as she worked until laid off. She was not required to re-contact Manpower for work unless she was provided the notice required by Iowa Code section 96.5(1)j. Ms. Franzen was not notified in writing that she had to notify Manpower of the completion of an assignment within

three working days of when the assignment ended. As such, the provisions of section 96.5(1)j cannot form the basis of a disqualification from job insurance benefits.

The administrative law judge appreciates that Ms. Franzen was not in contact with Manpower between October 31 and January 7. Although periodic contact may be a condition of placement through Manpower, it is not a condition for the receipt of job insurance benefits. Inasmuch as Ms. Franzen completed her last assignment and was not offered further work, there is no basis for disqualification.

DECISION:

The representative's decision dated January 7, 2009, reference 01, is hereby reversed. Ms. Franzen was separated from Manpower on October 31, 2008 for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css