

**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**

**WILLIAM A SNYDER
402 W MADISON
MOUNT PLEASANT IA 52641**

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

**Appeal Number: 05A-UI-07518-DWT
OC: 10/10/04 R: 04
Claimant: Appellant (1)**

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 – Voluntary Quit Temporary Employment Firm

STATEMENT OF THE CASE:

William A. Snyder (claimant) appealed a representative's July 15, 2005 decision (reference 05) that concluded he was not qualified to receive unemployment insurance benefits and the account of Manpower Inc. of Cedar Rapids (employer) would not be charged, because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 9, 2005. The claimant participated in the hearing. Debra Chamberlain, the risk control manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, 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 his employment for reasons that do not qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary employment firm. In November 2004, the claimant registered to work for the employer's clients. The claimant understood the employer required employees to contact the employer within three days of completing an assignment.

The employer assigned the claimant to a job on June 1, 2005. This job was completed on June 9, 2005. When the claimant returned home from work, he learned the employer left a message informing the claimant that June 9 was his last day of work at his most recent assignment. The claimant did not understand why this assignment ended.

Since the employer let the claimant know the job had been completed, the claimant assumed the employer would contact him when the employer had another job to assign to him. In the past, the employer has contacted the claimant when there was another job to assign to him.

The claimant picked up his check from the employer's office on June 17. The claimant did not ask anyone about another assignment. The employer's records indicate the first time the claimant contacted the employer about another job assignment was June 24. The employer did not have a job to assign to the claimant then.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. A claimant who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the claimant 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 facts establish the claimant understood the employer required employees to notify the employer within three days of completing a job assignment. The claimant also understood he needed to notify the employer so the employer could assign him another job to keep him employed. The facts also show that the claimant completed a job assignment on June 9.

The claimant's testimony that he called the employer on June 12 or 13, 2005, is not credible. The claimant asserted that a staffing specialist told him the employer would not assign him another job for a year because he had not contacted the employer within three days of completing the job assignment. If this had happened, there would be no reason for the claimant to have contacted the employer on June 24 and ask the employer if there was a job to assign to him. A preponderance of credible evidence establishes the first time the claimant contacted the

employer after learning the job assignment ended on June 9 was June 24, 2005. Since the claimant knew and understood he was required to contact the employer within three days to see if the employer had another job to assign him to and waited two weeks, for unemployment insurance purposes the claimant quit his employment as of June 12, 2005. Therefore, as of June 12, 2005, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's July 15, 2005 decision (reference 05) is affirmed. For unemployment insurance purposes, the claimant voluntarily quit working for the employer for reasons that do not qualify him to receive benefits because the claimant failed to timely contact the employer about another job assignment. The claimant is disqualified from receiving unemployment insurance benefits as of June 12, 2005. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

dlw/kjw