

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MORGAN L STONE

Claimant

APPEAL NO. 08A-UI-08822-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF DES MOINES

Employer

**OC: 08/17/08 R: 02
Claimant: Respondent (1)**

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Manpower, Inc. of Des Moines filed an appeal from a representative's decision dated September 22, 2008, reference 01, which held that no disqualification would be imposed regarding Morgan Stone's separation from employment. After due notice was issued, a hearing was held by telephone at 9:00 a.m. on October 17, 2008. The employer participated by Kyle Horn, Branch Supervisor. Mr. Stone responded to the notice of hearing but was not available at the number provided at the scheduled time of the hearing. He did not contact the Appeals Bureau until approximately 12:45 p.m., after the hearing record was closed. He had forgotten the exact time of the hearing and believed it was set for 1:00 p.m. Because he did not have good cause for not participating at the scheduled time, the administrative law judge declined to reopen the hearing record.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Stone began working through Manpower, a temporary placement service, on October 22, 2007. On April 14, 2008, he was placed on an assignment with American Packaging Corporation. Mr. Stone called on April 17 to report that he would be absent due to illness. Because the assignment was scheduled to end on April 21 and because he did not like the assignment, Manpower asked Mr. Stone if he wanted to return. He indicated he did not. He was not offered another assignment at that time.

Manpower did not hear further from Mr. Stone until May 5 when he gave notice that he was available for work. He had signed a document at the time of hire advising that he had to seek reassignment within three working days of the end of an assignment. He again worked for Manpower beginning May 13, 2008 at Monsanto. He worked until May 30 when he was removed from the assignment because it was felt he was not a good fit. Mr. Stone filed a claim for job insurance benefits effective August 17, 2008.

REASONING AND CONCLUSIONS OF LAW:

Mr. Stone was hired for placement in temporary work 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(19). Mr. Stone worked for American Packaging Corporation from April 14 until April 17. He did not on his own end the assignment. Manpower initiated the discussion about him not returning to the assignment. The assignment was due to end in three days and Manpower believed he was unhappy with the placement. Since it was Manpower that offered him the opportunity to not return to American Packaging Corporation, Mr. Stone had reason to believe he could decline to return and that there would be no adverse consequences if he did so. For the above reasons, the administrative law judge cannot conclude that he voluntarily ended the assignment.

Although Mr. Stone did not re-contact Manpower within three working days of April 17, the fact remains that Manpower already knew on April 17 that he was done with the assignment. Therefore, the fact that he did not contact Manpower again until May 5 will not result in disqualification. Moreover, Manpower continued to employ Mr. Stone in spite of the fact that he did not seek reassignment within three working days of April 17. He worked from May 13 through May 30 at Monsanto. Since it was Manpower that notified Mr. Stone that the assignment with Monsanto was over, it was well aware that he was not on an assignment as of May 30. It is a worker's failure to notify the temporary placement firm that the assignment is over that results in disqualification under Iowa Code section 96.5(1)j.

Mr. Stone did not file his claim for job insurance benefits until August of 2008. Inasmuch as he had completed his last assignment and Manpower was aware of this fact, there is no basis for disqualification from benefits.

DECISION:

The representative's decision dated September 22, 2008, reference 01, is hereby affirmed. Mr. Stone completed his last assignment through Manpower and became separated for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css