

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

THOMAS J BRIGGS
1615 WHITCHER AVE
SIOUX CITY IA 51109

MANPOWER INTERNATIONAL INC
MANPOWER TEMPORARY SERVICES
c/o TALX UC EXPRESS
PO BOX 66864
ST LOUIS MO 63166-0283

Appeal Number: 06A-UI-02867-DWT
OC: 01/01/06 R: 01
Claimant: Respondent (1/R)

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:

Manpower Temporary Services (employer) appealed a representative's February 27, 2006 decision (reference 02) that concluded Thomas J. Briggs (claimant) was qualified to receive unemployment insurance benefits and the employer's account was subject to charge because the claimant's 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 March 30, 2006. The claimant participated in the hearing. Kelly Weaver, a staffing specialist, 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

FINDINGS OF FACT:

The claimant initially registered to work with the employer on February 23, 2004. Most recently, the employer assigned the claimant to a job on November 2, 2005. On November 30, 2005, the employer informed the claimant he had completed this job assignment. The employer did not have another job to assign the claimant at that time.

On December 7, the employer called the claimant about a cleaning job that was to last one or two days. The job involved cleaning out vehicles. The claimant did not accept this job because it was only supposed to last for one or two days. The job actually lasted two weeks. The employer also contacted the claimant about another one-day job, but the claimant had a doctor's appointment and was unable to accept this job on December 19, 2005.

The claimant established a subsequent benefit year during the week of January 1, 2006.

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. 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 facts establish the claimant completed a job assignment on November 30, 2005. The employer knew the job assignment had been completed because the employer told the claimant he had completed this assignment. As of November 30, 2005, the employer did not have another job to immediately assign to the claimant. For unemployment insurance purposes, the claimant's unemployed status as of November 30, 2005, was for nondisqualifying reasons. Therefore, the claimant is qualified to receive benefits as of November 27, 2005.

The employer's subsequent job offers on December 7 and 19 are issues that were not noted on the hearing notice or have not been previously investigated by the Claims Section. Therefore, the issues of refusal of suitable work and whether the claimant was able to and available for work on December 8 and 19, 2005 are remanded to the Claims Section to investigate.

DECISION:

The representative's February 27, 2006 decision (reference 02) is affirmed. The claimant became unemployed as of December 1, 2005, for nondisqualifying reasons. As of November 27, 2005, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant. The issue of whether the claimant is eligible to receive benefits as of December 8 and 19 is remanded to the Claims Section to determine if he was able to and available for work or whether he refused an offer of suitable work from the employer.

dlw/kkf