

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

CHARLES L MARSHALL
9301 BIRCH ST
BERNARD IA 52032

MANPOWER INTERNATIONAL INC
MANPOWER TEMPORARY SERVICES
c/o TALX FRICK UC EXPRESS
PO BOX 66864
ST LOUIS MO 63166-6864

Appeal Number: 04A-UI-09105-DWT
OC: 07/11/04 R: 04
Claimant: Respondent (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 are 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 Firm

STATEMENT OF THE CASE:

Manpower Temporary Services (employer) appealed a representative's August 13, 2004 decision (reference 03) that concluded Charles L. Marshall (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's unemployment status occurred for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 15, 2004. The claimant participated in the hearing. Sally Jacobs, 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.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that 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. The claimant registered to work for the employer's clients on December 30, 2003. Most recently, the employer assigned the claimant to a job on May 12, 2004.

On July 9, the claimant was unable to work as scheduled. The claimant had a medical emergency in his immediate family. He had to make a quick trip to Missouri instead of reporting to work. On July 9, Kim, a Representative with the employer, contacted the claimant's wife and told her the claimant's assignment was over. The claimant talked to Kim on July 12 and learned the client ended his assignment because of his attendance. When the claimant asked if the employer had another job to assign him, Kim indicated she was working on getting him another assignment.

On July 13 or 14, the claimant talked to Kim again. She was still working on getting the claimant another job assignment. The claimant established a claim for benefits during the week of July 11, 2004.

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 sections 96.5-1, 2-a. On July 9, the claimant's assignment that he had worked at since May 12 ended because the client no longer wanted him to work. Even though the client did not want the claimant because he was absent due to a family medical emergency, the employer still held the claimant in good standing. For unemployment insurance purposes, the claimant was unemployed because the employer's business client no longer wanted him to work. The employer did not discharge the claimant and the claimant did not quit his employment. The claimant became unemployed on July 9 for nondisqualifying reasons.

On July 12, 2004, the claimant and an employer representative, Kim, talked. As of July 12, the employer did not have another job to assign the claimant. The employer, however, was working on another job assignment. The claimant called the employer again on July 13 or 14 to find out if the employer could assign him a job. The employer still did not have a job to assign to the claimant.

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 section 96.5-1-j. The claimant satisfied the requirements of Iowa Code section 96.5-1-j by contacting the employer on July 12 and 14 in an attempt to be assigned to another job.

DECISION:

The representative's August 13, 2004 decision (reference 03) is affirmed. The claimant's job assignment ended for reasons that do not disqualify him from receiving benefits and the claimant promptly contacted the employer for another assignment. As of July 11, 2004, 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.

dlw/pjs