

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRIAN W GARWOOD**  
Claimant

**APPEAL NO. 08A-UI-10615-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER INC OF CEDAR RAPIDS**  
Employer

**OC: 10/12/08 R: 04**  
**Claimant: Respondent (4)**

Section 96.5(1)i – New Employer

**STATEMENT OF THE CASE:**

The employer, Manpower, filed an appeal from a decision dated November 7, 2008, reference 01. The decision allowed benefits to the claimant, Brian Garwood. After due notice was issued, a hearing was held by telephone conference call on December 1, 2008. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by Risk Control Manager Debbie Chamberlin.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Brian Garwood was employed by Manpower of Cedar Rapids from March 3, 2006 until June 20, 2008. His last assignment began July 12, 2007, at client company Winegard. On June 20, 2008, the temporary employee portion of Manpower of Cedar Rapids's business was transferred to Manpower International, and Mr. Garwood continued working for the new owner until October 2008, at Winegard.

A decision on the claimant's separation from employment with Manpower International has been made on November 26, 2008.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1-i provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

i. The individual is unemployed as a result of the individual's employer selling or otherwise transferring a clearly segregable and identifiable part of the employer's business or enterprise to another employer which does not make an offer of suitable work to the individual as provided under subsection 3. However, if the individual does accept, and works in and is paid wages for, suitable work with the acquiring employer, the benefits paid which are based on the wages paid by the transferring employer shall be charged to the unemployment compensation fund provided that the acquiring employer has not received, or will not receive, a partial transfer of experience under the provisions of section 96.7, subsection 2, paragraph "b". Relief of charges under this paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant left employment with Manpower of Cedar Rapids because that portion of the business was transferred to Manpower International. This is not a disqualifying separation but the employer shall not be charged.

**DECISION:**

The representative's decision of November 7, 2008, reference 01, is modified in favor of the appellant. Brian Garwood is qualified for benefits provided he is otherwise eligible. However, the account of Manpower of Cedar Rapids shall not be charged with benefits paid to the claimant.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

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