

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VICKI CUNNINGHAM**  
Claimant

**APPEAL NO: 08A-UI-05952-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER INTERNATIONAL INC**  
Employer

**OC: 05/04/08 R: 01**  
**Claimant: Respondent (1)**

Iowa Code § 96.5-1-j - Voluntary Quit of Temporary Employment

**STATEMENT OF THE CASE:**

Manpower International, Inc. (employer) appealed an unemployment insurance decision dated June 17, 2008, reference 04, which held that Vicki Cunningham (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 1, 2008. The claimant participated in the hearing. The employer participated through Todd Aschenfelter, Staffing Specialist. 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:**

Is the claimant disqualified because she failed to contact the temporary employment agency within three working days after the completion of her assignment when notified of this requirement at the time of hire?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant has worked intermittently for the employer since September 21, 2005 but she was most recently hired for full-time factory work on February 18, 2008. She was ill and taken off work by her physician on April 26, 2008 to April 28, 2008. On April 28, 2008 her child was sick and the claimant had to stay home to care for her ill child. The daycare center does not accept sick children. She notified her employer and her assignment employer of her absence. The claimant was unable to work on April 29 and 30, 2008 for the same reasons. The employer notified the claimant on May 1, 2008 that she was removed from her assignment due to attendance. The claimant called the employer back that same date and asked if she was discharged from the employer or if she could be assigned somewhere else. She spoke with Shirley and was told that she could continue working when work was available and advised that she would be contacted when work became available. The claimant continued checking for additional assignments but eventually obtained a job through another employer.

## REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer or if the employer discharged her for work-connected misconduct. See Iowa Code §§ 96.5-1 and 96.5-2-a. Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer.

Iowa Code § 96.5-1-j 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:

j. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm of completion of an employment assignment and who seeks reassignment. Failure of the individual to notify the temporary employment firm of completion of an employment assignment within three working days of the completion of each employment assignment under a contract of hire shall be deemed a voluntary quit unless the individual was not advised in writing of the duty to notify the temporary employment firm upon completion of an employment assignment or the individual had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter.

To show that the employee was advised in writing of the notification requirement of this paragraph, the temporary employment firm shall advise the temporary employee by requiring the temporary employee, at the time of employment with the temporary employment firm, to read and sign a document that provides a clear and concise explanation of the notification requirement and the consequences of a failure to notify. The document shall be separate from any contract of employment and a copy of the signed document shall be provided to the temporary employee.

For the purposes of this paragraph:

(1) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their work force during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(2) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

The evidence confirms the claimant properly checked in with the employer for additional assignments after her assignment was over but no work was available. The employer contends that the claimant was at fault for her assignment ending but that is irrelevant since the employer did not discharge her as a result. Consequently, the claimant is considered to have voluntarily quit with good cause attributable to the employer and benefits are allowed.

**DECISION:**

The unemployment insurance decision dated June 17, 2008, reference 04, is affirmed. The claimant voluntarily quit her employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs