

**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**

**DAVID L HILLER
414 – 10TH AVE
CORALVILLE IA 52241**

**MANPOWER INC OF CEDAR RAPIDS
1220 INDUSTRIAL AVE
HIAWATHA IA 52233-1155**

**Appeal Number: 05A-UI-03532-CT
OC: 01/02/05 R: 03
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 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(3)a – Refusal of Work

STATEMENT OF THE CASE:

Manpower, Inc. of Cedar Rapids filed an appeal from a representative's decision dated March 28, 2005, reference 03, which held that no disqualification would be imposed regarding David Hiller's separation from employment. After due notice was issued, a hearing was held by telephone on April 25, 2005. Mr. Hiller participated personally. The employer participated by Debra Chamberlain, Risk Control Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Hiller began working through Manpower in the summer

of 2001. His last assignment was with University of Iowa, where he worked full time from May 12 until August 13, 2004. He became separated from the assignment because his services were no longer needed.

Mr. Hiller filed a claim of job insurance benefits effective January 2, 2005. On January 3, he was offered a two-day assignment with Pennington Seed. Because Mr. Hiller had an appointment for one of the days, the assignment was given to another individual. On January 21, he accepted an assignment that was later cancelled by the client company before it was scheduled to start. On January 27, Mr. Hiller was offered a part-time assignment with the University of Iowa for 20 hours per week. The assignment was declined because he wanted full-time work. On February 23, Mr. Hiller was contacted regarding another full-time assignment with University of Iowa. He wanted the assignment but three days of the week the hours would conflict with getting his child to school. He obtained permission from Manpower to discuss the hours with the supervisor to see if he could be accommodated. The supervisor at the University of Iowa agreed to accommodate Mr. Hiller and he re-contacted Manpower with the intent of accepting the assignment. However, he was not placed in the assignment.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Hiller was separated from employment for any disqualifying reason. He was hired for placement in temporary work assignments. An individual so employed must complete his last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Mr. Hiller completed his last assignment in August of 2004 and sought reassignment within three working days thereafter. Therefore, his separation in August of 2004 was for no disqualifying reason.

Subsequent to filing his claim for job insurance benefits, Mr. Hiller has been offered other work by Manpower. An individual who refuses an offer of work is only disqualified from receiving job insurance benefits if the work offered was suitable work within the meaning of Iowa Code section 96.5(3)a. The work offered on January 3, 2005 was not suitable work as it was only for two days. The work offered on January 20 was accepted but later cancelled by the client company. The work offered on January 27 was not suitable work as it was only for 20 hours per week. Moreover, the wages did not equal Mr. Hiller's average weekly base period earnings of \$210.83. Mr. Hiller was prepared to accept the work offered on February 23 with the University of Iowa. However, due to circumstances beyond his control, the assignment was not made available to him after he confirmed that the assignment would accommodate his request for different hours. The administrative law judge cannot conclude that he refused the work offered on February 23, 2005.

After considering all of the evidence, the administrative law judge concludes that there is no basis on which to disqualify Mr. Hiller for refusing work. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated March 28, 2005, reference 03, is hereby affirmed. Mr. Hiller was separated from Manpower for no disqualifying reason. He did not refuse any offers of suitable work from Manpower. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/pjs