

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

TERESA R LONG
408 – 2ND ST
KEYSTONE IA 52249

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

Appeal Number: 06A-UI-00108-HT
OC: 11/20/05 R: 03
Claimant: Appellant (2)

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) – Quit

STATEMENT OF THE CASE:

The claimant, Teresa Long, filed an appeal from a decision dated December 23, 2005, reference 04. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on January 26, 2006. The claimant participated on her own behalf and was represented by John Wagner. The employer, Manpower, participated by Risk Control Manager Debra Chamberlain.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Tanya Clark began working for Manpower on

September 29, 2003. She was assigned to Traer Manufacturing until July 22, 2005, when she was permanently laid off.

Manpower considered her to be an employee in good standing and offered her other assignments on July 26 and 29, 2005, which she declined, as the jobs did not meet the wages requirement under the Iowa Unemployment Security law.

Ms. Long was referred to the displaced worker program and returned to school full-time at Kirkwood Community College on August 27, 2005. She notified Manpower on August 23, 2005, she would not be available to accept any future assignments because she was returning to school. The employer considered her a voluntary quit.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is not.

Iowa Code section 96.5-1 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.

The claimant was still a person in good standing with Manpower and made at least two job offers after her assignment at Traer Manufacturing ended. However, at the time she notified Manpower that she would no longer be accepting assignments, she had no current work available to her after satisfactorily completing her last assignment. As there was no current work and no guarantee any suitable assignments would be available at a particular time in the future, the administrative law judge cannot consider the claimant to have quit a current job. Disqualification may not be imposed.

DECISION:

The representative's decision of December 23, 2005, reference 04, is reversed. Teresa Long is qualified for benefits provided she is otherwise eligible.

bgh/kjw