

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARTIN J ANDERSON
Claimant

APPEAL NO. 07A-UI-05120-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER TEMPORARY SERVICES
Employer

OC: 04/08/07 R: 01
Claimant: Respondent (1/R)

Section 96.5-1 j – Temporary Employment

STATEMENT OF THE CASE:

Manpower Temporary Services (employer) appealed a representative's May 7, 2007 decision (reference 02) that concluded Martin J. Anderson (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant had been laid off from an assignment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 7, 2007. The claimant participated in the hearing. Todd Ashenfelter, a staffing specialist, appeared on the employer's behalf. During the hearing, Employer Exhibit One was offered and admitted as evidence. 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 do not qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant initially registered to work for the employer on April 8, 2002. Most recently the claimant registered to work for the employer in July 2006. The claimant completed an employment agreement form on July 6, 2006. The employment agreement informed the claimant that the employer required him to contact the employer within 48 hours of completing a job assignment. (Employer Exhibit One.)

On July 13, 2006, the employer assigned the claimant to a job at Eaton. On April 5, 2007, the employer's on-site supervisor informed the claimant this was his last day at work because Eaton did not have any work for him to do. The next day, the employer contacted the claimant about a potential job. After the claimant indicated he would like to return to work at Eaton, the employer did not provide the claimant's name to this potential employer. The claimant also asked about other job assignments. The employer did not have any other jobs to assign to him at that time.

The claimant established a claim for unemployment insurance benefits during the week of April 8, 2007.

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 §§ 96.5-1, 2-a. 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 § 96.5-1-j. Regardless of whether the employer provided proper notice of a three-day notification rule, intent of this law is satisfied because the employer informed the claimant he was laid off. Also, the day after the claimant learned he was laid off from work, he talked to another employer representative and asked about other job assignments. The evidence establishes the claimant's April 5 employment separation was for nondisqualifying reasons. Therefore, as of April 8, 2007, the claimant is qualified to receive unemployment insurance benefits.

During the hearing, an issue of whether the claimant is available for work from May 31 to June 11 is remanded to the Claims Section to investigate. Unemployment laws and regulations do not require a claimant to be available to work for a temporary employment firm, such as the employer, but the claimant is required to be able and available for work each week he files a claims for benefits.

DECISION:

The representative's May 7, 2007 decision (reference 02) is affirmed. The claimant's April 5, 2007 employment separation was for nondisqualifying reasons. As of April 8, 2007, the claimant is qualified to receive unemployment insurance benefits. The employer's account may be charged for benefits paid to the claimant. An issue concerning the claimant's availability from May 31 to June 11 is remanded to the Claims Section.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw