

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WENDY J LENTZKOW

Claimant

APPEAL NO. 07A-UI-06698-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER TEMPORARY SERVICES

Employer

**OC: 05/20/07 R: 02
Claimant: Respondent (1)**

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Manpower Temporary Services filed an appeal from a representative's decision dated June 28, 2007, reference 01, which held that no disqualification would be imposed regarding Wendy Lentzkow's separation from employment. After due notice was issued, a hearing was held by telephone on July 25, 2007. Ms. Lentzkow participated personally. The employer participated by Vicki Jenkins, Staffing Specialist.

ISSUE:

At issue in this matter is whether Ms. Lentzkow was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Lentzkow was employed by Manpower beginning June 26, 2006. She was assigned to work full time for Fox River Mills. On May 20, 2007, Manpower was notified that Ms. Lentzkow was being removed from the assignment. The reason cited was that she was disruptive to others. The specifics of her disruption were not disclosed.

Manpower left a message for Ms. Lentzkow on May 21 advising that the assignment was over. However, she did not receive the message before reporting to Fox River Mills for her shift. Her supervisor told her she was being laid off because work was slow. She was told she was chosen for layoff because of her attendance. Ms. Lentzkow last worked on the assignment on May 20, 2007. She was not advised in writing that she had to seek reassignment with Manpower within three working days of the end of the assignment.

REASONING AND CONCLUSIONS OF LAW:

Ms. Lentzkow filed a claim for job insurance benefits effective May 20, 2007 because her assignment with Fox River Mills ended. The evidence failed to establish that the separation was due to misconduct on Ms. Lentzkow's part. The administrative law judge concludes that she

completed the assignment on May 20 and was separated for no disqualifying reason. She was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Ms. Lentzkow was not required to continue seeking work through Manpower unless the requirements of Iowa Code section 96.5(1)j were satisfied.

The law requires that a temporary placement firm notify its employees in writing that they have to seek reassignment within three working days of the end of an assignment. Manpower did not give Ms. Lentzkow the required notice. Therefore, the provisions of section 96.5(1)j cannot form the basis of a disqualification from benefits. Inasmuch as the evidence failed to establish that Ms. Lentzkow was separated from employment for any disqualifying reason, benefits are allowed.

DECISION:

The representative's decision dated June 28, 2007, reference 01, is hereby affirmed. Ms. Lentzkow was separated from Manpower on May 20, 2007 for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw