

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GENOBEVA ORDAZ

Claimant

APPEAL NO. 06A-UI-11580-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF CEDAR RAPIDS

Employer

**OC: 10/22/06 R: 02
Claimant: Appellant (2)**

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Genobeva Ordaz filed an appeal from a representative's decision dated November 27, 2006, reference 02, which denied benefits based on her separation from Manpower, Inc. of Cedar Rapids. After due notice was issued, a hearing was held by telephone on December 19, 2006. The employer participated by Janet Kadlec, Executive Secretary. Exhibit One was admitted on the employer's behalf. Ms. Ordaz did not respond to the notice of hearing.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Ordaz' last period of employment through Manpower began August 31, 2006. She was assigned to work full-time at Monsanto. The assignment ended on September 29, 2006 as there was no further work for Ms. Ordaz.

On August 20, 2002, Ms. Ordaz signed an availability statement for Manpower. The document advised that she needed to contact Manpower within 48 hours after the completion of an assignment. She did not sign any document advising that she had three working days in which to seek reassignment.

REASONING AND CONCLUSIONS OF LAW:

Ms. Ordaz 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. Ordaz completed her last assignment. She was not required to continue seeking work through Manpower unless the provisions of Iowa Code section 96.5(1)j were satisfied by the employer. The law requires that the temporary placement firm give the employee written notice that she has to contact the temporary firm within three working days of the end of an assignment. Ms. Ordaz was not given the notice required by law. The form she

signed in 2002 indicated she had to contact Manpower within 48 hours of the end of an assignment.

Because the employer's notice to Ms. Ordaz did not satisfy the requirements of the law, it cannot form the basis of a disqualification from benefits. Therefore, her failure to seek reassignment was not a disqualifying event. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated November 27, 2006, reference 02, is hereby reversed. Ms. Ordaz was separated from Manpower 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/css