

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANDA E TALBOTT
Claimant

APPEAL NO. 10A-UI-04924-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INTERNATIONAL INC
Employer

OC: 02/14/09
Claimant: Appellant (2)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 22, 2010, reference 02, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on May 7, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Lori Sander participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. When the claimant was hired, she signed a statement that she would be considered to have voluntarily quit employment if she did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant worked an assignment at Weingard Company from February 12, 2009, to February 10, 2010. The claimant was absent from work from February 1 to 9, 2010, with notice to the employer due to her infant daughter's hospitalization. She knew that she had missed a lot of work so she reported to work for her shift on February 10 and had a relative stay with her daughter. On February 11 the claimant's daughter was released from the hospital and the claimant had a doctor's excuse for the time she had missed that she planned to turn in when she reported to work that day. Management at Weingard Company, however, informed the employer that it wanted her removed from her assignment due to absenteeism.

A staffing specialist with the employer called the claimant before she reported to work on February 11 and informed her she was removed from the assignment at Weingard. She explained to the staffing specialist about her daughter's hospitalization, and he agreed to see if Weingard would change its mind. The claimant called him later, and he reported that she could not go back to Weingard. The claimant asked him about other assignments but the employer had no other assignment other than Weingard.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code section 96.5-1 and 96.5-2-a.

Iowa Code section 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The claimant is not subject to disqualification under Iowa Code section 96.5-1-j as she did contact the employer within three days after her assignment seeking another assignment. She was not removed from the assignment due to any misconduct by the claimant.

DECISION:

The unemployment insurance decision dated March 22, 2010, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs