

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STORMY D GIRVEN**  
Claimant

**APPEAL NO. 09A-UI-15870-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER INTERNATIONAL INC**  
Employer

**OC: 08/30/09**  
**Claimant: Respondent (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated October 9, 2009, reference 03, that concluded she completed her temporary work assignment. A telephone hearing was held on November 24, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. Gayle Gonyaw participated in the hearing on behalf of the employer. Exhibit One was admitted into evidence at the hearing.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked on an assignment at Winegard Company from October 22, 2008, to August 31, 2009. 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.

At the end of August 2009, the claimant was assigned to work in a different department. The claimant was dissatisfied with the new job. Since there had been some layoffs, the claimant asked if she could be laid off too. The onsite supervisor for the employer, Kerry Hale, told her that the employer did not do voluntary layoffs and she would be considered to have quit if she stopped working. The claimant told Hale that she could not afford to quit and would return to her job. Later that day, someone at Winegard informed Hale that it wanted the claimant removed from the assignment because she was complaining and being disruptive. The claimant in fact did not complain and was not disruptive.

Hale informed the claimant on August 31, 2009, that she was being removed from the assignment at Winegard Company. When the claimant asked Hale whether she could work on another assignment she was informed that there was no other assignment for her.

**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 § 96.5-1 and 96.5-2-a. The claimant did not quit and was not discharged for misconduct. No willful and substantial misconduct as defined in 871 IAC 24.32(1) has been proven in this case.

Iowa Code § 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 disqualified under Iowa Code § 96.5-1-j because she was removed from her assignment by the employer and told there was no other assignment available.

**DECISION:**

The unemployment insurance decision dated October 9, 2009, reference 03, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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