

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDREW C BEGGS
Claimant

APPEAL NO. 08A-UI-09820-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF CEDAR RAPIDS
Employer

OC: 12/23/07 R: 04
Claimant: Respondent (4-R)

Section 96.5(1)l – Quit/Sale

STATEMENT OF THE CASE:

The employer, Manpower Incorporated of Cedar Rapids, filed an appeal from a decision dated October 20, 2008, reference 04. The decision allowed benefits to the claimant, Andrew Beggs. After due notice was issued a hearing was held by telephone conference call on November 10, 2008. The claimant provided a telephone number to the Appeals Section. That number was dialed at 8:00 a.m. and the only response was a voice mail. A message was left indicating the hearing would proceed without the claimant's participation unless he contacted the Appeals Section at the toll-free number prior to the close of the record. By the time the record was closed at 8:06 a.m. the claimant had not responded to the message and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. participated by Administrative Assistant Barb Kotz.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Andrew Beggs was employed by Manpower Incorporated of Cedar Rapids from April 9, 2007 until June 23, 2008. During that time he had one assignment at Winegard. On June 23, 2008, the employer was sold to the Manpower Corporate office and Mr. Beggs continued at the client company until some time in October 2008. The new owner has a different account number of 265624-7.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-i provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

i. The individual is unemployed as a result of the individual's employer selling or otherwise transferring a clearly segregable and identifiable part of the employer's business or enterprise to another employer which does not make an offer of suitable work to the individual as provided under subsection 3. However, if the individual does accept, and works in and is paid wages for, suitable work with the acquiring employer, the benefits paid which are based on the wages paid by the transferring employer shall be charged to the unemployment compensation fund provided that the acquiring employer has not received, or will not receive, a partial transfer of experience under the provisions of section 96.7, subsection 2, paragraph "b". Relief of charges under this paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The business for which the claimant worked was sold to another employer effective June 23, 2008. He continued working for the new employer until some time in October 2008. Under the provisions of the above Administrative Code section, the separation from Manpower Incorporated of Cedar Rapids is not a disqualifying event. However, the subsequent separation from the new employer may be.

DECISION:

The representative's decision of October 20, 2008, reference 04, is modified in favor of the appellant. There was no disqualifying separation from this employer and the claimant is eligible for benefits, but the account of Manpower Incorporated of Cedar Rapids shall not be charged.

The issue of whether the separation from the new employer, Account Number 265624-7, was a disqualifying event is remanded to the Claims Section for determination.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css