

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LONNA K OVERTON
Claimant

APPEAL NO. 07A-UI-04847-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER TEMPORARY SERVICES
Employer

OC: 01/28/07 R: 01
Claimant: Respondent (1)

Section 96.5-1-j – Temporary Employment

STATEMENT OF THE CASE:

Manpower Temporary Services (employer) appealed a representative's May 2, 2007 decision (reference 01) that concluded Lonna K. Overton (claimant) remained eligible to receive benefits after she completed a job assignment on March 28, 2007. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 30, 2007. The claimant participated in the hearing. Todd Ashenfelter, a staffing specialist, appeared on the employer's behalf. During the hearing, Employer Exhibits One and Two were offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

After the claimant completed a job assignment is she eligible to receive benefits as of March 25, 2007?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant registered to work for the employer's clients in May 2006. On May 2, 2006, the claimant received a copy of the employment agreement and the employer's policy handbook. (Employer Exhibits One and Two.) The employer's availability policy informed the claimant that within 48 hours of completing an assignment, she was to notify the employer that she had completed the assignment. The employer also required the claimant to contact the employer on a weekly basis so the employer knew if she was available for work. (Employer Exhibit One).

The employer assigned the claimant to a job on May 17, 2006. The client had to cutback on workers and informed the employer that the claimant's last day of work would be March 28, 2007. The employer informed the claimant that this assignment ended on March 28, 2007. The employer did not have another job to assign to the claimant.

The claimant called and talked to Ashenfelter by March 30, 2007. The employer did not have another job to assign the claimant at that time. The claimant did not realize she was required to contact the employer every week. After the claimant reopened her claim for unemployment insurance benefits the week of March 25, she looked for work as required under the law.

The claimant did not want to travel more than 20 miles from her residence for a job and believed the employer only had jobs that were more than 20 miles from her residence. The claimant accepted other employment and began working in early May.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if she fails to notify the employer. Iowa Code § 96.5-1-j.

The facts show the claimant completed a job assignment and the employer knew the claimant's last day of work was March 28, 2007. The claimant contacted the employer by March 30. The employer did not have an immediate job to assign the claimant. Under these facts, the claimant satisfied the requirements of Iowa Code § 96.5-1-j.

Even though the employer's handbook informed claimant the employer required her to make weekly contacts, the unemployment insurance laws and regulations do not require the claimant to do this to be eligible to receive benefits. The claimant obviously looked for work since she began another job in early May 2007.

The reasons for the claimant's March 28, 2007 unemployed status does not disqualify her to receiving benefits.

DECISION:

The representative's May 2, 2007 decision (reference 01) is affirmed. The claimant completed a temporary job assignment and met the requirements of Iowa Code § 96.5-1-j. Therefore, as of March 25, 2007, the claimant is qualified to receive unemployment insurance benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css