

Inc., a temporary placement firm, on August 25, 2004. Her last assignment was with Sunny Fresh Foods, where she began working full time on January 18, 2005. She had always worked the 11:00 a.m. until 9:00 p.m. shift while at Sunny Fresh Foods.

On or about July 27, 2005, Ms. Mannetter was advised that she was being laid off as a robot had been trained to perform the job she had been doing. She was told that the only work available with Sunny Fresh Foods was working from 3:00 p.m. until 1:30 a.m., five to six days per week. Ms. Mannetter declined the position because she would not have time to spend with her children if she accepted the new hours. She lived in Charles City, but the work was located in Mason City, a 30-minute drive from her home. If she had accepted the new hours, she would not have been home when her children got out of school and would have been sleeping when they were getting ready for school in the morning.

After she was laid off, Ms. Mannetter contacted Express Services, Inc. and advised that she was only available to accept work in Charles City. She has not been offered a new assignment at any time after July 27, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Mannetter was separated from employment for any disqualifying reason. She became unemployed when she was laid off from her assignment with Sunny Fresh Foods. She immediately notified Express Services, Inc. that she had been laid off and was available for other work. Because no other work was offered at the time, her separation was not a disqualifying event. See Iowa Code section 96.5(1)j.

It is true that Ms. Mannetter declined the opportunity to continue working for Sunny Fresh Foods. The work offered constituted a change in the terms and conditions under which she had originally accepted the assignment. She had indicated on her application filed with Express Services, Inc. that she was available to work any shift. However, she retained the right to decline an assignment if the work, including travel time, was at times she was not available.

DECISION:

The representative's decision dated August 29, 2005, reference 01, is hereby affirmed. Ms. Mannetter was separated from employment for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/kjf