

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFREY S HILLHOUSE
Claimant

APPEAL NO: 07A-UI-04957-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER TEMPORARY SERVICES
Employer

OC: 04/01/07 R: 01
Claimant: Respondent (1/R)

Section 96.5-1-j – Temporary Employment

STATEMENT OF THE CASE:

Manpower Temporary Services (employer) appealed a representative's May 3, 2007 decision (reference 01) that concluded Jeffrey S. Hillhouse (claimant) was qualified receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 5, 2007. The claimant participated in the hearing. Todd Ashenfelter, a staffing specialist, appeared on the employer's behalf. During the hearing, Employer Exhibit One was 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:

Did the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant registered to work with the employer on March 7, 2005. At the time of hire, the claimant signed an employment agreement. The agreement informed the claimant that when he completed a job assignment, he had 48 hours to notify the employer he had completed an assignment. The employer also informs employees that they need to contact the employer on a weekly basis to advise the employer about the person's availability to work. (Employer Exhibit One.)

The employer assigned the claimant to a job on April 29, 2005. The claimant understood this job was a temp-to-hire position. Throughout this assignment, the claimant worked for the employer.

The business the claimant worked for no longer needed the claimant as a result of slow down in business. On April 7, 2007, the employer's on-site supervisor informed the claimant that April 8

would be his last day of work because the client had decided to lay him off from work. The claimant understood that when the employer had another assignment for him, the employer would contact him. The claimant established a claim for unemployment insurance benefits during the week of April 1, 2007. Although the claimant did not keep in contact with the employer, the employer contacted him about another job assignment in mid-May.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code sections 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 he fails to notify the employer. Iowa Code section 96.5-1-j.

The facts establish the employer informed the claimant he was laid off from a job assignment he had been working at for two years. As result, the employer knew the claimant had completed the job assignment and had the opportunity to assign the claimant to another job immediately. Since the employer did not assign the claimant to another job right away even though the claimant immediately filed a claim for benefits, it must be assumed the employer did not have another job to assign him until mid-May. The claimant had only worked at one job assignment, so it was reasonable for him to assume the employer would contact him when the employer had another job to assign him to. In this case, the employer did not contact the claimant again until mid-May. When the employer advised the claimant he would be laid off from work, Iowa Code section 96.5-1-j does not apply in this case. The claimant's failure to maintain weekly contact with the employer does not per se hold him ineligible to receive benefits. This failure to maintain contact with the employer raises the issue of whether the claimant was available to work.

During the hearing the claimant indicated that he had been too busy taking care of his grandparents for the last two months to contact the employer. The claimant's availability to work and a refusal of the employer's job offer in mid-May were not issues for the June 5 hearing. Since these issues can affect a claimant's eligibility to receive benefits, the issues of whether the claimant was able to and available for work between April 1 through June 5 and whether the claimant refused an offer of suitable work the employer offered to him in mid-May are remanded to the Claims Section to investigate and then issue a written decision.

DECISION:

The representative's May 3, 2007 decision (reference 01) is affirmed. The claimant's April 8 employment separation was for nondisqualifying reasons. Therefore as of April 1, 2007, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant. Issues concerning the

claimant's availability to work, April 1 through June 5, and whether he refused the employer's mid-May offer of work with good cause are remanded to the Claims Section to investigate and issue a written decision.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs