

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**VIRGINIA I HARRISON  
PO BOX 54  
PANORA IA 50216**

**MANPOWER INC OF DES MOINES  
517 FIFTH AVE  
DES MOINES IA 50309**

**TALX UC EXPRESS  
PO BOX 66864  
ST LOUIS MO 63166-6864**

**Appeal Number: 04A-UI-03052-AT  
OC: 02-01-04 R: 01  
Claimant: Respondent (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1j – Separation From Temporary Employment

STATEMENT OF THE CASE:

An appeal was filed on behalf of Manpower, Inc. of Des Moines from an unemployment insurance decision dated March 8, 2004, reference 01, which allowed benefits to Virginia I. Harrison. Due notice was issued for a telephone hearing to be held April 6, 2004. The appellant did not respond to the hearing notice. Under these circumstances, it was unnecessary to take testimony from Ms. Harrison.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Virginia I. Harrison's assignment through Manpower, Inc. of Des Moines ended on January 9, 2004. She contacted

Manpower, telling Staffing Specialist Mark Litchfield that she would be out of town for the week of January 11 through January 17, 2004. She contacted Manpower again when she returned to town. No work was immediately available, and so Ms. Harrison filed a claim for unemployment insurance benefits effective February 1, 2004. As of the date of the scheduled hearing, Ms. Harrison was again working on assignment for Manpower.

#### REASONING AND CONCLUSIONS OF LAW:

The question is whether the circumstances surrounding Ms. Harrison's separation from employment on January 9, 2004 was a disqualifying event. It was not.

Iowa Code Section 96.5-1-j 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:

j. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm of completion of an employment assignment and who seeks reassignment. Failure of the individual to notify the temporary employment firm of completion of an employment assignment within three working days of the completion of each employment assignment under a contract of hire shall be deemed a voluntary quit unless the individual was not advised in writing of the duty to notify the temporary employment firm upon completion of an employment assignment or the individual had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter.

To show that the employee was advised in writing of the notification requirement of this paragraph, the temporary employment firm shall advise the temporary employee by requiring the temporary employee, at the time of employment with the temporary employment firm, to read and sign a document that provides a clear and concise explanation of the notification requirement and the consequences of a failure to notify. The document shall be separate from any contract of employment and a copy of the signed document shall be provided to the temporary employee.

For the purposes of this paragraph:

(1) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their work force during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(2) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

The evidence establishes that Ms. Harrison properly contacted the employer at the end of the assignment. Disqualification under Iowa Code Section 96.5-1j is not appropriate. The evidence also establishes that Ms. Harrison did not file her claim for unemployment insurance benefits until she had returned from her vacation and had first contacted Manpower about the possibility

of a further assignment. The evidence establishes that Ms. Harrison was eligible for the benefits that she has received.

DECISION:

The unemployment insurance decision dated March 8, 2004, reference 01, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

tjc/b