

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAMES T PARKER**

Claimant

**APPEAL NO: 08A-UI-06127-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER INTERNATIONAL INC**

Employer

**OC: 05/25/08 R: 01  
Claimant: Respondent (1)**

Section 96.5-1-j – Temporary Employment  
871 IAC 24.26(19) – Temporary Employment

**STATEMENT OF THE CASE:**

Manpower International, Inc. / Manpower Temporary Services (employer) appealed a representative's June 23, 2008 decision (reference 01) that concluded James T. Parker (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 21, 2008. The claimant participated in the hearing and presented testimony from one other witness, Pamela Parker. Todd Ashenfelter appeared on the employer's behalf. During the hearing, Employer's Exhibits One and Two were entered into 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:**

Was there a disqualifying separation from employment?

**FINDINGS OF FACT:**

The employer is a temporary staffing agency. The claimant began taking assignments through the employer on July 1, 2002. He had one assignment at that time, ending October 2, 2002. He then renewed his relationship with the employer in 2008, beginning an assignment out of the employer's Shenandoah, Iowa, office on January 21, 2008. He most recently worked full time as an inspector/assembler on the first shift on a temp-to-hire basis at the employer's business client through May 9, 2008. The assignment ended that date because the business client determined that there was no further work available for the claimant at that time and that it was not going to request the claimant recalled when there was further work as it concluded the claimant lacked the skills needed for consideration for permanent employment. The business client informed the employer of the completion of the assignment on May 9, 2008.

On the evening of May 9 employer contacted the claimant and advised him he was not to return to the assignment. The claimant inquired whether there was any additional assignment to which he could be assigned but was told that there was currently no other work available. On May 11, the claimant again contacted the employer and again asked if there was any other assignment

available, and was told there was not; when the claimant asked what he was to do at that point, he was advised to go and file for unemployment insurance benefits, which he did. The claimant did not continue to contact the employer once a week to seek reassignment as required by the employer's policies.

### **REASONING AND CONCLUSIONS OF LAW:**

The essential question in this case is whether there was a disqualifying separation from employment.

An employee of a temporary employment firm who has been given proper notice of the requirement can be deemed to have voluntarily quit his employment with the employer if he fails to contact the employer within three business days of the ending of the assignment in order to notify the employer of the ending of the assignment and to seek reassignment. Iowa Code § 96.5-1-j. The intent of the statute is to avoid situations where a temporary assignment has ended and the claimant is unemployed, but the employer is unaware that the claimant is not working could have been offered an available new assignment to avoid any liability for unemployment insurance benefits.

Where a temporary employment assignment has ended by the completion of the assignment of and the employer is aware of the ending of that assignment, the employer is already on "notice" that the assignment is ended and the claimant is available for a new assignment; where the claimant knows that the employer is aware of the ending of the assignment, he has good cause for not separately "notifying" the employer. 871 IAC 24.26(19). Further, in this case the claimant did in fact inquire about reassignment but was told no further work was available at time.

The claimant is not required by the statute to remain in regular periodic contact with the employer in order to remain "able and available" for work for purposes of unemployment insurance benefit eligibility. Regardless of whether the claimant continued to seek a new assignment, the separation itself is deemed to be completion of temporary assignment and not a voluntary leaving; a refusal of an offer of a new assignment would be a separate potentially disqualifying issue. Benefits are allowed, if the claimant is otherwise eligible.

### **DECISION:**

The representative's June 23, 2008 decision (reference 01) is affirmed. The claimant's separation was not a voluntary quit but was the completion of a temporary assignment. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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