

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**GABRIELLE S FORMANEK**  
Claimant

**APPEAL 21A-UI-07951-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER INTERNATIONAL INC**  
Employer

**OC: 01/24/21  
Claimant: Appellant (2)**

Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment

**STATEMENT OF THE CASE:**

On March 19, 2021, Gabrielle Formanek (claimant) filed an appeal from the March 16, 2021, reference 01, unemployment insurance decision that denied benefits based upon the determination she voluntarily quit employment with Manpower International, Inc. (employer) by failing to report for three days without notification. The parties were properly notified about the hearing held by telephone on May 28, 2021. The claimant participated personally. The employer did not respond to the hearing notice and did not participate. The Claimant's Exhibit A was admitted into the record.

**ISSUE:**

Did the claimant quit by not reporting for additional work assignments within three business days of the end of the last assignment?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed in a temporary full-time position as a Processor with the employer's client 3M beginning in November 2020, and her last day worked was January 15, 2021. The claimant had a health-related incident that day at work. On January 18, the claimant's doctor released her to work, but the client ended her assignment. When the employer notified the claimant that her assignment had ended, she immediately asked for another assignment and they did not have one for her.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's separation was with good cause attributable to the employer. Benefits are allowed.

Iowa Code section 96.5(1)j provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. (1) 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.

(2) 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.

(3) For the purposes of this paragraph:

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

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

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for and seeking work at the end of the temporary assignment. The employer knew the assignment had ended because they notified the claimant that it had ended. Since she requested reassignment, and there was no work available, no disqualification is imposed. Benefits are allowed, provided she is otherwise eligible.

**DECISION:**

The March 16, 2021, reference 01, unemployment insurance decision is reversed. The claimant's separation from employment was attributable to the employer. Benefits are allowed, provided she is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.

A handwritten signature in blue ink, reading "Stephanie R Callahan", with a long horizontal flourish extending to the right.

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Stephanie R. Callahan  
Administrative Law Judge

June 11, 2021  
Decision Dated and Mailed

src/scn