

**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**

**Appeal Number: 04A-UI-01879-DT  
OC: 01/04/04 R: 02  
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.**

**ENVER MUSIC  
2221 NW 82<sup>ND</sup> #3  
CLIVE IA 50325**

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.

**MANPOWER INC OF DES MOINES  
517 – 5<sup>TH</sup> AVENUE  
DES MOINES IA 50309**

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.

**MANPOWER INC OF DES MOINES  
c/o TALX UC EXPRESS  
PO BOX 66864  
ST LOUIS MO 63166-6864**

\_\_\_\_\_  
(Administrative Law Judge)

\_\_\_\_\_  
(Decision Dated & Mailed)

871 IAC 24.26(19) – Temporary Employment

STATEMENT OF THE CASE:

Manpower, Inc. of Des Moines (employer) appealed a representative's February 10, 2004 decision (reference 01) that concluded Enver Music (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 March 11, 2004. The claimant participated in the hearing. Kayla Hodzic appeared on the employer's behalf. 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.

FINDINGS OF FACT:

The employer is a temporary staffing agency. The claimant's first and only assignment through the employer began on October 30, 2001. He worked full time as a warehouse worker at the employer's business client through December 30, 2003. The assignment ended that date because the business client deemed the assignment to be completed due to a reduction in business volume. The business client informed the employer of the completion of the assignment on or about December 30, 2003. The employer then contacted the claimant after the completion of the workday on December 30 and informed the claimant of the ending of the assignment. The employer indicated that there was no additional work immediately available and that it would contact the claimant if a new suitable assignment became available.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code Section 96.5-1 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.

871 IAC 24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

The employer was aware that the business client had ended the assignment and considered the claimant's assignment to have been completed. Where a temporary employment assignment has ended and the employer is aware of the end of that assignment, regardless of whether the claimant reported for a new assignment, it is deemed to be a separation other than voluntary leaving, and benefits are allowed.

DECISION:

The representative's February 10, 2004 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.

ld/b