

**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**

**TERESA L FOX
624 S UNION ST
MADRID IA 50156-1614**

**MANPOWER INC OF D M
517 – 5TH AVE
DES MOINES IA 50309**

**Appeal Number: 06A-UI-05929-HT
OC: 11/20/05 R: 02
Claimant: Appellant (4-R)**

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Teresa Fox, filed an appeal from a decision dated June 2, 2006, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on June 26, 2006. The claimant participated on her own behalf. The employer, Manpower, participated by Staffing Specialist Ann Keller.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Teresa Fox began employment with Manpower on April 3, 2003. On January 19, 2004, she began a long-term assignment at Hawk Chemical.

In late April or early May, 2006, the claimant was advised that Hawk Chemical was intending to fill her position with a regular, full-time employee. She applied for the job but was later told it was the company's policy to hire internally if any applicant was qualified. Later her supervisor advised her that her application would not be considered because there were qualified internal applicants.

Ms. Fox was under some stress which caused problems in her personal life. On the evening of May 3, 2006, these personal problems reached a critical point and the next day she notified Staffing Specialist Ann Keller she was quitting the assignment at Hawk Chemical. The client company had already told her the assignment would be over on May 8, 2006 and she would have to train her replacement. Rather than add this stress to her life, she quit the assignment.

Ms. Fox filed an additional claim for unemployment benefits with an effective date of May 13, 2006.

Ms. Fox is once more employed in a temporary capacity at Hawk Chemical as of May 10, 2006. She is working only part-time.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified.

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 24.25(40) provides:

(40) Where the claimant voluntarily quit in advance of the announced scheduled layoff, the disqualification period will be from the last day worked to the date of the scheduled layoff. Benefits shall not be denied from the effective date of the scheduled layoff.

The claimant quit in advance of a scheduled layoff from her long-term temporary assignment. Under the provisions of the above Code section, she is disqualified for the time between her resignation and the effective date of the layoff.

Ms. Fox is not overpaid as she filed her claim for benefits after the effective date of the layoff and did not receive any benefits to which she was not entitled.

The claimant is currently filing for unemployment benefits on the basis of a reduced work week. It is unknown whether the current assignment was guaranteed any certain number of hours per week.

DECISION:

The representative's decision of June 2, 2006, reference 02, is modified in favor of the appellant. Teresa Fox is qualified for benefits effective May 13, 2006, provided she is otherwise eligible.

The issue of whether the claimant is working on a reduced work-week basis and is therefore eligible for benefits is remanded to the Claims Section for determination.

bgh/cs