

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID R SCHETGEN
Claimant

APPEAL NO. 06A-UI-10289-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF CEDAR RAPIDS
Employer

OC: 10/12/06 R: 04
Claimant: Appellant (2)

Section 96.5-1-j – Separation from Staffing Company

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 12, 2006, reference 03, that concluded he had voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on November 6, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Barb Kotz participated in the hearing on behalf of the employer.

ISSUE:

Is the claimant subject to disqualification for voluntarily quitting temporary employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. When the claimant was hired, he signed a statement that he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant worked for the employer from August 24, 2005, to August 30, 2006. The claimant completed his last job assignment on August 30, 2006. On September 1, the claimant went into the employer's office, turned in his time slip, and notified the staff person that he had completed his job assignment. He asked if the employer had other work and was informed that there was no work available for which he was qualified.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. The claimant's testimony was far more credible than that provided by the employer's witness, who had not even spoken with the personnel at the Dubuque office about the contacts the claimant had with the office.

DECISION:

The unemployment insurance decision dated October 12, 2006, reference 03, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs