

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LANCE FORNEY
Claimant

MANPOWER INTERNATIONAL INC
Employer

APPEAL NO. 14A-UI-04130-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/16/14
Claimant: Respondent (1)

Iowa Code § 96.5-1-j - Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

Manpower International, Inc. (employer) appealed an unemployment insurance decision dated April 11, 2014, (reference 01), which held that Lance Forney (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 8, 2014. The claimant participated in the hearing. The employer participated through Ryan Brennan, Staffing Specialist. Employer's Exhibit One was admitted into evidence.

ISSUES:

The issues are whether the claimant is disqualified benefits, whether he was overpaid unemployment insurance benefits, whether he is responsible for repaying the overpayment and whether the employer's account is subject to charge.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment agency and the claimant was hired on August 5, 2013. At the time of hire, he signed a list of rules regarding assignments and getting paid. One of these rules requires employees to call the employer within 48 hours after an assignment ends to let the employer know the employee's availability for a new assignment. Only one page of the rules was provided and it is not clear whether or not the claimant received a copy.

The claimant was last assigned to work at the Target Distribution Center. His assignment ended on Sunday, December 29, 2013. The claimant contacted the employer on Monday, December 30, 2013, to request additional work but none was available.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the

employer. Iowa Code § 96.5-1. The employer herein is a temporary employment agency and temporary employment agencies are governed by Iowa Code § 96.5-1-j, which places specific restrictions on both the employer and the employee with regard to unemployment insurance benefits.

To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule. The employer requires employees to contact them within 48 hours after an assignment ends. It is unclear whether the employee was advised he could be disqualified from receiving unemployment insurance benefits if he failed to notify the employer. Iowa Code § 96.5-1-j.

The employer has not acted in compliance with Iowa Code § 96.5-1-j. However, the claimant has complied with the statutory requirement since he requested work from the employer on the day after his last assignment ended. Since no work was available, the claimant's separation from employment is considered to be a voluntary quit with good cause attributable to the employer. Benefits are allowed.

DECISION:

The unemployment insurance decision dated April 11, 2014, (reference 01), is affirmed. The claimant voluntarily quit his employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css