

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CAROL I GEPHART
Claimant

APPEAL NO: 12A-UI-03000-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROBERT HALF CORPORATION
Employer

OC: 01/29/12

Claimant: Appellant (4)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Carol I. Gephart (claimant) appealed a representative's March 15, 2015 decision (reference 03) that concluded she was not qualified to receive unemployment insurance benefits with Robert Half Corporation (employer). Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held on April 10, 2012. At the time for the hearing but in lieu of the hearing being held, the administrative law judge determined and the claimant concurred that no hearing was necessary and that a decision amending the representative's decision could be made on the record. (The employer failed to respond to the hearing notice and provide a telephone number at which a witness or representative could be reached for the hearing and did not participate in the discussion.) Based on a review of the available information and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a disqualifying reason?

OUTCOME:

Modified. Benefits allowed; employer's account relieved of charge.

FINDINGS OF FACT:

The claimant began working on an assignment for the employer on or about March 1, 2011, working as a clerk at the employer's Illinois business client, Salvage Direct, Inc. Her last day of work as a Robert Half employee was June 24, 2011. She then became an employee directly of Salvage Direct. She continued in that employment until January 30, 2012, when she was discharged from Salvage Direct. The claimant established an unemployment insurance benefit year effective January 29, 2012. She did not have any other period of employment with Robert Half.

There had been an initial representative's decision issued regarding the separation between the claimant issued on March 13, 2012 (reference 02) that concluded that the claimant had earned ten times her weekly benefit amount since the separation, so that the claimant was not disqualified and the employer was not chargeable because of the separation. On March 15 the representative issued a new decision on the separation, the subject of this appeal, which incorrectly indicated that the separation from Robert Half occurred on February 4, 2012, and that it was disqualifying. The

Agency database then indicates that on March 26, 2012 the claims representative issued another decision (reference 05), which purportedly modified the March 15 decision and allowed benefits, under an unknown rationale. However, it appears no actual decision was printed or mailed; no copy of such a decision could be located in the Agency records, and the claimant did not receive such a decision. The administrative law judge further notes that although the database indicated that the decision purportedly modified the March 15 decision to allow benefits, the claimant's claim has remained locked as if she was disqualified.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for a non-disqualifying reason. Iowa Code § 96.5-1. One reason a voluntary quit is non-disqualifying is if an employee quits for the reason of accepting and entering into new employment. Iowa Code § 96.5-1-a. However, under these circumstances the employer's account is also not subject to charge.

The claimant did leave her employment effective June 24, 2011 and did thus voluntarily quit her employment with Robert Half at that time in order accept a bona fide offer of other employment directly with the business client, Salvage Direct, into which she did enter and did work. The claimant is not disqualified from receiving benefits as a result of her quit from Robert Half in this case, but the employer's account will not be charged.

This decision overrides the representative's March 15, 2012 (reference 03) and, to the extent it exists, the representative's March 26, 2012 (reference 05) decision. Under either this decision, or the representative's March 13, 2012 (reference 02) decision, finding the claimant eligible under a ten times requalification analysis, the claimant's employment with and separation from employment with Robert Half is not disqualifying to her as of the establishment of her claim effective January 29, 2012.

DECISION:

The representative's March 15, 2012 decision (reference 03), and to the degree necessary, the representative's March 26, 2012 decision (reference 05) are modified in favor of the claimant. The claimant voluntarily left her employment with the employer, but the quit was not disqualifying. The claimant is eligible for unemployment insurance benefits, provided she is otherwise eligible. The employer's account will not be charged.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw