

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN T LOWERY

Claimant

APPEAL NO. 11A-UI-01860-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC

Employer

OC: 01/02/11

Claimant: Appellant (2)

Section 96.5-1-a – Voluntary Quit to Accept Other Employment

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 7, 2011, reference 01, that concluded he voluntarily quit employment without good cause. A telephone hearing was held on March 14, 2011. The claimant participated in the hearing. No one participated on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer on an assignment at Evercore Company from March 15, 2010, to December 17, 2010. He voluntarily left employment to accept a job with Evercore Company in New Orleans, Louisiana. The claimant traveled with the owner's son to Mississippi but the job was not intended to start until the first of the year, so the claimant traveled back to his home in Detroit to wait until the work was ready. The claimant received a Christmas bonus from the employer at the end of the year. Later, the claimant was notified by Evercore Company that he was not needed after all.

After being notified that Evercore Company did not need him, the claimant applied for unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code § 96.5-1-a 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. But the individual shall not be disqualified if the department finds that:

a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant left work to accept other employment and performed services in that new employment. The claimant is qualified to receive unemployment insurance benefits based on his separation from employment with the employer, provided he is otherwise eligible. Pursuant to the statute, the employer's account will not be charged for benefits paid to the claimant.

DECISION:

The unemployment insurance decision dated February 7, 2011, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, provided he is otherwise eligible. The employer's account will be exempt from charge for benefits paid to the claimant.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css