

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ELSIE CARROLL
Claimant

APPEAL NO: 14A-UI-08166-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 07/06/14
Claimant: Appellant (4)

Iowa Code § 96.5(1)a – Quit for Other Employment

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's July 31, 2014 (reference 02) determination that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated at the August 28 hearing. Mandy Moore, a recruiter, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits, or did the employer discharge her for nondisqualifying reasons?

FINDINGS OF FACT:

The claimant's last assignment with the employer started on July 23, 2013. At this assignment, the claimant worked at a call center. Another business entity bought this client's business. When the new business entity took over on October 4, 2013 the client told the employer this was the claimant's last day of work for the client. The claimant began working for the new business entity that same day. Until July 2014 the claimant worked for the new employer as a full time employee who earned gross wages of approximately \$400.00 a week.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits for other employment, she is not disqualified from receiving benefits and the employer's account will not be charged. Iowa Code § 96.5(1)a.

The employer asserted the claimant quit because she did not timely request another job assignment when this assignment ended on October 4, 2013. In this case, the claimant was not required to request another assignment because she had already accepted another job. Based on the facts in this case, this employment separation does not disqualify the claimant from receiving benefits and the employer's account will not be charged.

DECISION:

The representative's July 31, 2014 (reference 02) determination is modified in the claimant's favor. The claimant did not contact the employer about another job assignment because she had already accepted a job with another employer who had bought the employer's client business. Based on the reasons for this employment separation, the claimant is not disqualified from receiving benefits and the employer's account will not be charged. Therefore, as of July 6, 2014 the claimant is qualified to receive benefits, provided she meets all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/can