

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS L PREYEAR
Claimant

APPEAL NO. 08A-UI-02411-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**R J PERSONNEL INC
TEMP ASSOCIATES**
Employer

**OC: 02/03/08 R: 03
Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Thomas L. Preyear (claimant) appealed a representative's March 4, 2008 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits in relation to the November 18, 2007 ending of his employment with R J Personnel, Inc. / Temp Associates (employer) because Agency records did not show that other employment was obtained. Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held on March 26, 2008. At the time for the hearing but in lieu of the hearing being held, the administrative law judge determined and the parties concurred that no hearing was necessary and a decision was made on the record. Based on a review of the information in the administrative file 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?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant's last day on his assignment was November 18, 2007. The assignment ended because the claimant quit the assignment to accept permanent employment with the business client with whom he had been on assignment. The administrative law judge takes official notice of the findings of fact in another administrative law judge's decision in 08A-UI-02247-CT, issued March 24, 2008, concluding that the claimant's employment with his subsequent employer began November 19, 2007 and ended January 29, 2008.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit his employment, he would be ineligible for benefits unless the quit was for a non-disqualifying reason.

Iowa Code section 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 did voluntarily quit in order accept other employment. The claimant is not disqualified from receiving benefits as a result of this quit in the event of a future separation from employment, but the employer's account will not be charged.

DECISION:

The representative's March 4, 2008 decision (reference 02) is modified in favor of the claimant. The claimant voluntarily left his employment, but the quit was not disqualifying. The claimant is eligible for unemployment insurance benefits, provided there are no other disqualifications from other matters still in effect. The employer's account will not be charged.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css