

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID J HANSEN**  
Claimant

**CLINTON STAFFING COMPANY  
ALLSTAR STAFFING**  
Employer

**APPEAL NO: 11A-UI-00408-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12 /05/10  
Claimant: Respondent (4)**

Section 95.5-1-a – Job Refusal/Better Employment

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated January 4, , reference 01, that held the claimant is eligible for benefits, because he refused a suitable work offer at a time he did not have an unemployment claim on file. A telephone hearing was held on February 17, 2011. The claimant participated. Sue Watkins, participated for the employer.

**ISSUE:**

Whether the claimant voluntarily left with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant first worked for the employer on assignment beginning September 2009. The claimant worked a two-day assignment on October 12, and 13, and October 28 and 29. The employer did not have further work available at that time.

The employer offered claimant a work assignment on November 19 to begin November 22 at Skyline Center. The claimant accepted. The claimant called the employer on November 21 stating he would not report to the assignment. The claimant believed he had a better job lined up at Custom Pac when he went in for orientation on November 22. When the employer learned he had a felony on his record, he was denied work.

**REASONING AND CONCLUSIONS OF LAW:**

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 administrative law judge concludes that the claimant voluntarily quit for better employment on November 22, 2010.

Although the claimant was denied better employment, his leaving the employer by declining the Skyline Center assignment is based on this reason. The employment separation makes the claimant eligible for benefits, and no employer account is charged.

**DECISION:**

The department decision dated January 4, 2011, reference 01, is modified. The claimant left for better employment on November 22, 2010. Benefits are allowed, provided claimant is otherwise eligible. No employer account is charged with benefits.

---

Randy L. Stephenson  
Administrative Law Judge

---

Decision Dated and Mailed

rls/css