

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EPHONY HORTON
Claimant

APPEAL NO: 16A-UI-06581-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 12/13/15
Claimant: Appellant (4)

Section 96.5-1 a – Voluntary Leaving – Other Employment

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 7, 2016, reference 05, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 19, 2016. The claimant participated in the hearing. Colleen McGuinty, Unemployment Insurance Administrator and Kelly Weaver, Account Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment to accept employment elsewhere.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time general laborer for Sedona Group last assigned to Westrock from January 11 through May 13, 2016. The claimant was notified Friday, May 13, 2016, that she was being laid off due to a lack of work. She planned to contact the employer Monday, May 16, 2016, about another assignment per the employer's policy but instead learned on May 16, 2016, she had an interview with Kids First Academy in Camanche May 18, 2016. That employer offered the claimant a position May 18, 2016, and the claimant accepted employment with that employer and performed services for that employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment to accept employment elsewhere.

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 was required to check in with the employer within three days of the completion of her assignment May 13, 2016. While the claimant did not do so in this case the reason she did not was because she had a job interview on the third day she was allowed to check in with the employer and secured new employment on that date. Even though the separation was without good cause attributable to the employer and would, standing alone if the claimant did not call in to inquire about further assignments, disqualify the claimant from receiving benefits, the claimant did leave in order to accept other employment and did perform services for the subsequent employer. Accordingly, benefits are allowed and the account of L A Leasing shall not be charged.

DECISION:

The June 7, 2016, reference 05, decision is modified in favor of the appellant. The claimant voluntarily left her employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of this employer shall not be charged.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs