

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RITA A LYONS
Claimant

APPEAL 16A-UI-06859-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SECURITAS SECURITY SERVICES USA
Employer

**OC: 05/15/16
Claimant: Appellant (4)**

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the June 17, 2016, (reference 02) unemployment insurance decision that held claimant ineligible for unemployment insurance benefits. The parties were properly notified about the hearing. A telephone hearing was held on July 6, 2016. Claimant, Rita A. Lyons, participated personally. Employer, Securitas Security Services USA, participated through representative Michele Hawkins and witness Stacy Cooney.

ISSUES:

Did claimant voluntarily quit the employment with good cause attributable to employer?
Was the claimant discharged for disqualifying job-related misconduct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a security guard from November 19, 2015 until December 17, 2015. During this time claimant was in training for the security guard position. Her direct supervisor was Andrew Chapman.

Claimant was aware that she would receive a schedule for her regular position following her training. Claimant was aware that she could receive a schedule which included daytime hours. Claimant received her schedule to work 6:00 a.m. to 2:00 p.m. Claimant could not work this schedule due to the fact that she had to transport her children to school. Claimant requested another schedule and was told that the employer would contact her if another schedule was available. No one contacted claimant to offer her a different schedule to work.

Prior to working for this employer claimant was employed full-time with Central Iowa Shelter and Services. While she was in training for this employer she worked part-time for Central Iowa Shelter and Services. Because no one contacted her to reassign her to a different schedule for this employer she went back to work on a full-time basis with Central Iowa Shelter and Services. This was better employment for the claimant.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.5-1 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.

871 IAC 24.28(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. The employment does not have to be covered employment and does not include self-employment.

871 IAC 23.43(5) provides:

(5) Sole purpose. The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. No charge shall accrue to the account of the former voluntarily quit employer.

Even though the separation was without good cause attributable to the employer, and would, standing alone, disqualify the claimant from receiving benefits, the claimant did leave in order to accept full-time employment with Central Iowa Shelter and Services. As such, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The June 17, 2016, (reference 02) unemployment insurance decision is modified in favor of the appellant. The claimant voluntarily left the employment in order to accept other full-time employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 324251-000) shall not be charged.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/pjs