

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANDREA J SCHEPER**  
Claimant

**APPEAL NO. 17A-UI-11272-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EMPLOYER'S SERVICE BUREAU INC**  
Employer

**OC: 08/13/17  
Claimant: Appellant (4R)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Andrea Scheper (claimant) appealed a representative's October 27, 2017, decision (reference 06) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Employer's Service Bureau (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for November 21, 2017. The claimant participated personally. The employer participated by Joe Rausenberger, Superintendent/Owner.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary agency. The claimant was assigned to work for Nestle-Purina starting on October 24, 2017, as a part-time/as needed laborer. She worked Mondays through Thursdays. The claimant signed for receipt of the employer's handbook on October 19, 2016. The handbook has a policy that finds employees to have quit work who do not report their absences for three days in a row.

The claimant last worked on Thursday, August 31, 2017. Monday, September 4, 2017, was a Labor Day and the claimant was not scheduled to work. The claimant was scheduled to work on September 5 and 6, 2017. Her father was in the hospital and the claimant reported to the employer she would be absent. On Thursday, September 7, 2017, there was no work for the claimant. On Monday, September 11, 2017, the claimant was scheduled to work but she reported to the employer she would be absent. The claimant did not report to work and the employer did not hear from the claimant after September 12, 2017. On September 14, 2017, after three days of the claimant's failure to report her absence to work, the employer considered the claimant to have quit work.

On September 12, 2017, Wal-Mart made the claimant an offer of work pending completion of paperwork. The claimant went to Wal-Mart to complete the paperwork and discovered the offer was dependent on a successful background check. The claimant started work at Wal-Mart on September 21, 2017.

The claimant filed a claim for benefits on August 13, 2017. For the week ending September 9, 2017, the claimant received \$216.00 in unemployment insurance benefits. She filed an additional claim for benefits on October 15, 2017.

### **REASONING AND CONCLUSIONS OF LAW:**

For the following reasons the administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits after her separation from work.

Iowa Code section 96.5(1)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.28(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.

The claimant left her position with the employer to work for another employer. When an employee quits work to take other employment, she is not disqualified from receiving unemployment insurance benefits. The claimant quit work to take other employment. She voluntarily quit without good cause attributable to the employer. Benefits are allowed because the claimant left to take other employment. The employer will not be charged. Benefits are allowed, provided the claimant is otherwise eligible.

The issue of whether the claimant was able and available for work during the three-week period ending September 23, 2017, is remanded for determination.

**DECISION:**

The representative's October 27, 2017, decision (reference 06) is modified in favor of the appellant. The claimant voluntarily left work without good cause attributable to the employer. The claimant is not disqualified from receiving unemployment insurance benefits because she quit to take other employment. The employer will not be charged. Benefits are allowed, provided the claimant is otherwise eligible. The issue of whether the claimant was able and available for work during the three-week period ending September 23, 2017, is remanded for determination.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs