

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ELIYAHAH D STARK-WILLIAMS
Claimant

QPS EMPLOYMENT GROUP INC
Employer

APPEAL NO. 20A-UI-11091-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/15/20
Claimant: Respondent (5)**

Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated August 31, 2020, reference 03, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 30, 2020. Claimant participated personally. Employer participated by Jennifer Yang and Hannah Shoemaker. Claimant failed to respond to the hearing notice and did not participate. Employer's Exhibit 1 was admitted into evidence. The administrative law judge takes notice of information contained within the administrative file.

ISSUE:

Did the claimant quit by not reporting for an additional work assignment within three business days of the end of the last assignment?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was last assigned at Timberland from December 16, 2019, and was separated from the assignment, but not the employment, on January 14, 2020. At the time the employer notified the claimant that the assignment had ended, it also advised the claimant that there were no additional assignments available. Employer does have a policy that complies with the specific terms of Iowa Code § 96.5(1)j. At the time employer notified claimant of the ending of the assignment, claimant stated that she did not wish to continue working for employer as she had taken other work. (Information indicates claimant did take other employment soon after the work with QPS ended, and earned wages.)

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation was with good cause that should not disqualify claimant from benefits. Employer's account shall not be charged in this matter.

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:

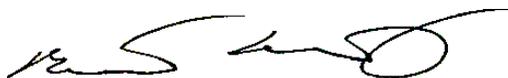
1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

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.

In this matter, claimant did voluntarily quit her job and this quit was for the sole purpose that she take alternative employment. As claimant did take the alternative employment and did work for a subsequent employer, benefits are allowed to claimant. As claimant quit for other employment, employer's account will not be charged for benefits received by claimant.

DECISION:

The August 31, 2020, (reference 03) decision is modified with no change in effect. Claimant's separation was for other employment. Claimant is allowed to receive unemployment benefits in this matter if she is otherwise qualified. Employer's account shall not be charged for benefits received by claimant.



Blair A. Bennett
Administrative Law Judge

November 2, 2020
Decision Dated and Mailed

bab/scn