

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KRISTIAN M SHOPPA
Claimant

APPEAL NO. 13A-UI-11068-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC
Employer

OC: 02/17/13
Claimant: Respondent (4)

Section 96.5-1-a - Voluntary Quit to Accept other Employment
Section 96.6-2 - Timeliness of Protest

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated September 18, 2013, reference 04, that concluded the employer's protest was untimely. A telephone hearing was held on October 22, 2013. The parties were properly notified about the hearing. Kristian Shoppa failed to participate in the hearing. Rhonda Hefter participated in the hearing on behalf of the employer. Exhibits A-1 were admitted into evidence at the hearing.

ISSUES:

Did the employer file a timely protest?
Should the employer be charged for benefits paid to the Kristian Shoppa?
Is Shoppa eligible for benefits.

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. Kristian Shoppa worked for the employer from October 17, 2011, to January 20, 2012. He left his employment to work for the client business, Roadlink Workforce Solutions.

Shoppa filed for unemployment insurance benefits effective February 17, 2013. He had worked and earned well over 10 times his weekly benefit amount since he separated from the employer.

REASONING AND CONCLUSIONS OF LAW:

The first issue in this case is whether the employer filed a timely protest of Kristian Shoppa's claim for unemployment insurance benefits

Iowa Code section 96.6-2 provides in pertinent part:

2. Initial determination. A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant.

In this case, the employer filed its protest within the period prescribed by Iowa Code § 96.6-2. Due to an Agency error, the protest was not processed, and under 871 IAC 24.35(2) the protest should be considered timely.

Iowa Code § 96.5-1-a provides that a claimant is not disqualified and an employer is not charged if a claimant voluntarily quits employment to accept another job.

Shoppa is eligible for unemployment insurance benefits because he quit for another job and he has earned well over 10 times his weekly benefit amount since he stopped working for the employer. Pursuant to the statute, the employer is exempt from charge for benefits paid to the employer.

DECISION:

The unemployment insurance decision dated September 18, 2013, reference 04, is modified. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible. The employer is exempt from charge for benefits paid to the employer.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs