

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN L FOWLER
Claimant

APPEAL NO. 12A-UI-00366-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CHENHALL'S STAFFING SERVICES INC
Employer

**OC: 05/22/11
Claimant: Respondent (5)**

Section 96.5(1)(a) – Voluntary Quit to Accept Other Employment

STATEMENT OF THE CASE:

The employer filed a timely appeal from the January 10, 2012, reference 05, decision that allowed benefits, provided he was otherwise eligible, but that relieved the employer of liability for benefits. The reference 05 decision had also removed any wage credits earned through the Chenhall's employment from the claimant's available wage credits until the claimant had earned ten times his weekly benefit amount. After due notice was issued, a hearing was held on February 7, 2012. Claimant Kevin Fowler did not respond to the hearing notice instructions and did not participate. Mike Gowdy, Staffing Coordinator, represented the employer. Exhibit One was received into evidence. The administrative law judge took official notice of the Agency's record (DBRO) of base period wage credits and of benefits disbursed to the claimant.

ISSUE:

Whether the claimant separated from the employment for a reason that would disqualify him for unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Kevin Fowler was employed by Chenhall's Staffing Services, Inc., in a full-time, temp-to-hire work assignment from December 1, 2011 until December 15, 2011, when he voluntarily quit because he had obtained new employment he was to start on January 2, 2012.

Mr. Fowler had established a claim for unemployment insurance benefits that was effective May 22, 2011 in response to a layoff from employer Von Hoffmann Corporation. Mr. Fowler discontinued his claim for unemployment insurance benefits once he accepted employment with Chenhall's Staffing Services, Inc. Mr. Fowler reactivated his claim at the time he separated from Chenhall's Staffing Services. Mr. Fowler discontinued his claim for benefits after the benefit week that ended December 31, 2011 in connection with his start of new employment on or about January 2, 2011.

Chenhall's Staffing Services is not a base period employer for purposes of the original claim Mr. Fowler established in May 2011 or the additional claim Mr. Fowler established in December 2011.

REASONING AND CONCLUSIONS OF LAW:

A worker who voluntarily quits employment to accept other or better employment is not disqualified for benefits. However, the employer the claimant left to accept the other employment, shall not be charged for benefits paid to the claimant. See Iowa Code section 96.5(1)(a).

Mr. Fowler voluntarily quit the full-time, temp-to-hire employment with Chenhall's Staffing Services effective December 15, 2011 because he had accepted new employment that he started on January 2, 2012. Mr. Fowler is eligible for benefits, provided he is otherwise eligible. Chenhall's Staffing Services will not be charged for benefits paid to the claimant.

The administrative law judge notes that the employer is not an aggrieved party for purposes of the decision from which the employer has appeal. The appeal process in Iowa Code section 96.6 presupposes an aggrieved party. This employer had received all available remedy in the decision the employer appealed.

DECISION:

The Agency representative's January 10, 2012, reference 05, is modified as follows. The claimant voluntarily quit the full-time, temp-to-hire employment with Chenhall's Staffing Services effective December 15, 2011 because he had accepted new employment that he started on January 2, 2012. The claimant is eligible for benefits, provided he is otherwise eligible. Chenhall's Staffing Services will not be charged for benefits paid to the claimant.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css