

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

ALLEN THORNE  
214 E 2<sup>ND</sup> ST  
MUSCATINE IA 52761

TEAM STAFFING SOLUTIONS INC  
116 HARRISON ST  
MUSCATINE IA 52761

Appeal Number: 05A-UI-03779-DWT  
OC: 02/13/05 R: 04  
Claimant: Respondent (4)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the *Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.*

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1-a – Quit for Other Employment

STATEMENT OF THE CASE:

Team Staffing Solutions, Inc. (employer) appealed a representative's April 4, 2005 decision (reference 01) that concluded Allen Thorne (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 3, 2005. The claimant participated in the hearing. Michael Black, the human resource manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct.

FINDINGS OF FACT:

The claimant started working at All-Steel, Inc. on July 17, 2000. The claimant worked at this business under a county program called WINGS. The county funneled WINGS money through the employer. This meant the employer was responsible for reporting the claimant's wages to the Department, withholding taxes on the claimant's behalf and paying taxes to the appropriate government agency and issuing the claimant a paycheck. In December 2003, the county decided to discontinue funding the WINGS program. Goodwill took over the implementation of the same program on February 1, 2004. The claimant continued working the same job, but Goodwill issued him paychecks instead of the employer.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. However, when a claimant quits for another job, he is not disqualified from receiving unemployment insurance benefits, and the employer's account will not be charged. Iowa Code §96.5-1-a.

The claimant did not realize his "employer" for payroll purposes changed from the employer to Goodwill Industries on February 1, 2004. Technically, the claimant quit working for the employer to work for Goodwill Industries. This means the reasons for the claimant's separation do not disqualify him from receiving unemployment insurance benefits. The employer's account will not be charged.

DECISION:

The representative's April 4, 2005 decision (reference 01) is modified in the employer's favor. The reasons for the claimant's employment separation with the employer are for nondisqualifying reasons. Therefore, based on this employment separation, the claimant is qualified to receive unemployment insurance benefits as of February 13, 2005, provided he meets all other eligibility requirements. The employer's account will not be charged.

dlw/pjs