IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

CASEY D SCHEETZ
Claimant

MANPOWER INC OF D M
Employer

APPEAL NO. 11A-UI-02422-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/22/10
Claimant: Respondent (2)

Section 96.5-1-a – Voluntary Quit to Accept Other Employment

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated February 15, 2011, reference 01, that concluded the employer's account was subject to charge for benefits paid to the claimant. A telephone hearing was held on March 24, 2011. The claimant participated in the hearing. No one participated on behalf of the employer.

ISSUE:

Is the employer's account subject to charge for benefits paid to the claimant?

FINDINGS OF FACT:

The claimant worked for the employer during the first quarter of 2010 while he was on layoff from his regular employer, Abhe & Svoboda. The claimant voluntarily left employment to accept recall to a job with Abhe & Svoboda. The claimant performed services for Abhe & Svoboda.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the employer's account is chargeable for benefits.

Iowa Code § 96.5-1-a provides that a person shall not be disqualified if the person 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.

The claimant left work to accept other employment and performed services in that new employment. Pursuant to the statute, the employer's account will not be charged for benefits paid to the claimant.

DECISION:

The unemployment insurance decision dated February 15, 2011, reference 01, is reversed. The employer's account will be exempt from charge for benefits paid to the claimant.

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Steven A. Wise
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw