

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GERARDO A AYALA**  
Claimant

**APPEAL NO. 09A-UI-02417-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEMP ASSOCIATES**  
Employer

**OC: 11/09/08**  
**Claimant: Respondent (2)**

Section 96.5(1)a – Quit for Other Employment

**STATEMENT OF THE CASE:**

Temp Associates filed an appeal from a representative's decision dated February 11, 2009, reference 03, which held that the employer's account would not be relieved of charges for benefits paid to Gerardo Ayala by another state. After due notice was issued, a hearing was held by telephone on March 10, 2009. The employer participated by Deborah Perdue, Branch Manager. Mr. Ayala did not respond to the notice of hearing.

**ISSUE:**

At issue in this matter is whether the employer can be relieved of charges for wage credits transferred to another state.

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Ayala was employed by Temp Associates from February 21 until May 23, 2008. He worked full time at West Liberty Foods. He became separated from Temp Associates when he accepted regular, full-time employment with West Liberty Foods. He could have sought a new assignment with Temp Associates but opted to take the full time work elsewhere.

**REASONING AND CONCLUSIONS OF LAW:**

Mr. Ayala left his employment with Temp Associates in good faith to accept full-time work with West Liberty Foods. As such, Temp Associates would be entitled to a relief from charges based on Iowa Code section 96.5(1)a. Inasmuch as the evidence did not establish any good cause attributable to Temp Associates for the quit, the employer would also be relieved of charges pursuant to section 96.5(1). For the above reasons, Temp Associates will not be charged for benefits paid to Mr. Ayala.

This decision does not address Mr. Ayala's entitlement to benefits. Whether he gets benefits will be determined by the State of Illinois. This decision only relieves Temp Associates from charges for any benefits allowed by Illinois.

**DECISION:**

The representative's decision dated February 11, 2009, reference 03, is hereby reversed. Temp Associates' Iowa unemployment account is relieved of charges for benefits paid to Mr. Ayala by the State of Illinois.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css