

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MAURICE L DOTSON
Claimant

APPEAL NO: 13A-UI-13749-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC/SEDONA STAFFING
Employer

OC: 11/03/13

Claimant: Respondent (4)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

L A Leasing, Inc. /Sedona Staffing (employer) appealed a representative's December 5, 2013 decision (reference 04) that concluded Maurice L. Dotson (claimant) was qualified to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 9, 2014. The claimant participated in the hearing. Colleen McGuinty appeared on the employer's behalf and presented testimony from one other witness, James Cole. 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 for a disqualifying reason?

OUTCOME:

Modified. Benefits allowed; employer's account relieved of charge.

FINDINGS OF FACT:

The employer is a temporary employment firm. After a prior period of employment with the employer, the claimant's to date final assignment began on February 4, 2013. He worked full time on a Monday through Thursday schedule at the employer's Iowa City, Iowa business client. His last day on the assignment was May 16, 2013.

The assignment was scheduled to continue through June 7, 2013. However, in May 2013 there were several instances where there was not enough work for the claimant to be kept at work full time, and the business client was sometimes sending him home early. On or about May 16 the first shift supervisor commented to the claimant that there would be little if any work for the claimant the following week and thereafter and that he should consider finding other employment. As a result, on May 20 the claimant contacted the employer and asked to be placed elsewhere. Before the employer was able to place the claimant in another assignment, on June 5 the claimant informed the employer that he had found employment elsewhere.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit his employment, he is not eligible for unemployment insurance benefits unless it was for a non-disqualifying reason. Iowa Code § 96.5-1. One reason a voluntary quit is non-disqualifying is if an employee quits for the reason of accepting and entering into new employment. Iowa Code § 96.5-1-a. However, under these circumstances the employer's account is also not subject to charge.

The claimant did voluntarily quit in order to accept a bona fide offer of other employment. The claimant is not disqualified from receiving benefits as a result of his quit from the employer in this case, but the employer's account will not be charged.

DECISION:

The representative's December 5, 2013 decision (reference 04) is modified in favor of the employer. The claimant voluntarily left his employment, but the quit was not disqualifying. The claimant is eligible for unemployment insurance benefits, provided he is otherwise eligible. The employer's account will not be charged.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css