

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
<b>MICHELLE R SCHNELLER</b> Claimant	<b>APPEAL NO: 12A-UI-15108-DT</b>
<b>ADVANCE SERVICES INC</b> Employer	<b>ADMINISTRATIVE LAW JUDGE DECISION</b>
	<b>OC: 11/25/12</b> <b>Claimant: Appellant (4)</b>

Section 96.5-1 – Voluntary Leaving/Requalification

**STATEMENT OF THE CASE:**

Michelle R. Schneller (claimant) appealed a representative's December 20, 2012 decision (reference 04) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Advance Services, Inc. (employer). The representative's decision posited that the date of the separation was October 6, 2012. Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held on January 31, 2013. After the hearing was convened but prior to concluding the hearing being held, the administrative law judge determined and the parties concurred that no hearing was necessary and a decision could be made on the record. Based on a review of the available information 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, and if so is she disqualified from receiving unemployment insurance benefits?

**FINDINGS OF FACT:**

The employer is a temporary employment firm. The claimant's first and only assignment began on September 12, 2011 and ended on October 6, 2011, not 2012. The employer asserted that the claimant voluntarily quit by failing to seek reassignment with the employer.

The claimant established an unemployment insurance benefit year effective November 20, 2011. Her weekly benefit amount for that claim year was calculated to be \$121.00. The employer was not a base period or chargeable employer for that claim year. In the fourth quarter 2012 the claimant had wages from another employer in an amount exceeding \$1,210.00. After the ending of that employment from that other employer on or about November 24, 2012, she then established a second claim year effective November 25, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

The wages the claimant earned from the employer in 2011 are in her base period for her November 25, 2012 claim year. The employer asserted the claimant voluntarily quit as of October 6, 2011. However, this issue does not need to be resolved because after the claimant worked for the employer but before she filed her claim for benefits effective November 25, 2012, she earned more than \$1,210.00 in wages from another employer. As a result, the reasons for her separation from the employer in October 2011 do not affect the claimant's current eligibility to receive unemployment insurance benefits. 871 IAC 24.28(1). This also means the employer's account will not be charged for any benefits the claimant receives. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The representative's December 20, 2012 decision (reference 04) is modified in favor of the appellant. The claimant has requalified for benefits since the October 6, 2011 separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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