

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PHILLIP M MERCER
Claimant

APPEAL NO. 12A-UI-12980-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC
Employer

OC: 09/16/12
Claimant: Appellant (2)

Section 96.5-1-a – Quit for Other Employment

STATEMENT OF THE CASE:

Phillip M. Mercer filed a timely appeal from an unemployment insurance decision dated October 18, 2012, reference 01, that disqualified him for benefits following separation from employment with QPS Employment Group, Inc. Due notice was issued for a hearing to be held November 30, 2012. After reviewing all matters of record, the administrative law judge concludes that a formal hearing is not required.

ISSUE:

Was the claimant's separation from employment with QPS Employment Group, Inc. a disqualifying event?

FINDINGS OF FACT:

Phillip M. Mercer voluntarily left employment with QPS Employment Group, Inc. on July 2, 2012 to accept employment with Unified Services Corporation. He did not request unemployment insurance benefits until the latter employment ended.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-a provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

a. The individual 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. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The evidence in this record establishes that Mr. Mercer left employment with QPS Employment Group for the purpose of accepting other employment. Under these circumstances, no disqualification is imposed based on the separation from employment at QPS, but no benefits shall be charged to the account of QPS.

DECISION:

The unemployment insurance decision dated October 18, 2012, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible. No benefits shall be charged to the account of QPS Employment Group, Inc.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs