

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANDA L TREJO
Claimant

APPEAL NO. 10A-UI-05713-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

OC: 01/17/10
Claimant: Appellant (4)

Iowa Code Section 96.5(1)(a) – Voluntary Quit to Accept Other Employment

STATEMENT OF THE CASE:

Amanda Trejo filed a timely appeal from the April 8, 2010, reference 05, decision that denied benefits in connection with a February 10, 2010 voluntary separation from Temp Associates. After due notice was issued, a hearing was held on June 2, 2010. Ms. Trejo did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate. Jennifer Starr, Account Manager, represented the employer. Exhibit A was received into evidence.

ISSUE:

Whether Ms. Trejo's voluntary separation from Temp Associates on February 10, 2010 was for good cause attributable to the employer. It was not.

Whether Ms. Trejo voluntarily separated from Temp Associates on February 10, 2010 for the sole purpose of accepting other employment and performed work in that new employment. She did.

Whether Ms. Trejo's voluntary separation from Temp Associates on February 10, 2010 disqualified Ms. Trejo for unemployment insurance benefits. It did not.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Amanda Trejo has performed work in multiple temporary employment work assignments through temporary employment agency Temp Associates. In February 2010, Ms. Trejo accepted a new work assignment through Temp Associates that was to start on February 11, 2010. Ms. Trejo was also registered for work through another temporary employment agency, Team Staffing Solutions, Inc. On February 10, 2010, Ms. Trejo notified Temp Associates that she had decided to accept an assignment offered by Team Staffing Solutions rather than the Temp Associates assignment she was supposed to start on February 11, 2010. Ms. Trejo did in fact perform work in the Team Staffing Solutions assignment and completed that assignment on February 11, 2010. Ms. Trejo returned to Temp Associates on February 25, 2010 in search of a new work

assignment. Ms. Trejo accepted a new assignment with Temp Associates and continues in that assignment at this time.

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 weight of the evidence indicates that Ms. Trejo voluntarily separated from Temp Associates on February 10, 2010 for the sole purpose of accepting other employment and did in fact perform work in the other employment. The separation from Temp Associates was without good cause attributable to that company and Temp Associates' account will not be charged for benefits paid to Ms. Trejo for the weeks that ended February 13, 20 and 26, 2010. Ms. Trejo is eligible for benefits, provided she is otherwise eligible.

DECISION:

The Agency representative's April 8, 2010, reference 05, decision is modified as follows. The claimant voluntarily separated from Temp Associates on February 10, 2010 without good cause attributable to that company. Temp Associates' account will not be charged for benefits paid to the claimant for the weeks that ended February 13, 20 and 26, 2010. The claimant is eligible for benefits, provided she is otherwise eligible.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs