

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHAEL R SWARTS
Claimant

IOWA STAFFING INC
Employer

APPEAL 15A-UI-08351-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/28/15
Claimant: Appellant (4)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the July 17, 2015, (reference 02) unemployment insurance decision that denied benefits based upon the determination he voluntarily left his employment for another employment opportunity, but failed to obtain the subsequent employment. The parties were properly notified about the hearing. A telephone hearing was held on August 17, 2015. Claimant Michael Swarts participated on his own behalf. Employer Iowa Staffing, Inc. participated through Lori Simmons.

ISSUE:

Did the claimant voluntarily quit the employment with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a temporary machine operator beginning January 26, 2015, and was separated from employment on April 10, 2015. The claimant was assigned to work at Chicago Rivet and Machine Co. (CRMC) on a temporary basis. On April 10, 2015, he was offered a permanent position with CRMC, which he accepted as it had more hours, better pay, and benefits. The plant shut down and he was temporarily laid off during the week ending July 4, 2015. The claimant is still presently employed by CRMC.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment to accept employment elsewhere. Benefits are allowed.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.28(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. The employment does not have to be covered employment and does not include self-employment.

Iowa Admin. Code r. 871-23.43(5) provides:

(5) Sole purpose. The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. No charge shall accrue to the account of the former voluntarily quit employer.

The claimant left his employment with the employer to accept other employment and did perform services for the subsequent employer. He was temporarily separated from that position during his employment. Accordingly, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The July 17, 2015, (reference 02) decision is modified in favor of the appellant. The claimant voluntarily left the employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 541516) shall not be charged.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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