

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

TIMOTHY N TIMBERLAKE  
621 HARRISON AVE  
BURLINGTON IA 52601

TEMP ASSOCIATES  
1000 N BURLINGTON AVE  
BURLINGTON IA 52601

Appeal Number: 04A-UI-01995-AT  
OC: 12-28-03 R: 04  
Claimant: Appellant (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1-a – Voluntary Quit for Other Employment

STATEMENT OF THE CASE:

Timothy N. Timberlake filed a timely appeal from an unemployment insurance decision dated January 20, 2004, reference 04, which disqualified him from benefits. After due notice was issued, a telephone hearing was held March 8, 2004 with Mr. Timberlake participating. Account Manager Debra Fox participated for the employer, Temp Associates.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Timothy N. Timberlake worked one day on

assignment for Temp Associates. He quit the job to accept other employment with Manpower, Inc. of Cedar Rapids. He performed services for Manpower before filing his claim for unemployment insurance benefits effective December 28, 2003.

#### REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge concerns the consequences to these parties of Mr. Timberlake's separation from employment on December 1, 2003. For the reasons which follow, the administrative law judge concludes that the separation does not disqualify Mr. Timberlake for unemployment insurance benefits, but it does relieve Temp Associates for liability for any benefits to be paid to him.

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. Timberlake voluntarily left employment with Temp Associates for the sole purpose of accepting other employment with Manpower, Inc. of Cedar Rapids. Since Mr. Timberlake actually performed services for Manpower, the provisions of the statute have been met. No disqualification is imposed on him, but no benefits shall be charged to the account of Temp Associates.

#### DECISION:

The unemployment insurance decision dated January 20, 2004, 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 Temp Associates.

b/b