

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RAYMOND G MILLER**  
Claimant

**APPEAL NO: 12A-UI-04959-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING  
SEDONA STAFFING**  
Employer

**OC: 04/03/11  
Claimant: Respondent (4)**

Section 96.5-1 – Voluntary Quit/Other Employment

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated April 23, 2012, reference 03, that held the claimant's March 31, 2011 employment separation had been previously adjudicated and which allowed benefits. A telephone hearing was held on May 22, 2012. The claimant did not participate. Colleen McGuinty, unemployment benefits administrator, and Sammy Teel, account representative, participated for the employer.

**ISSUE:**

Whether claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered the evidence in the record, finds: The employer does not take issue with the department decision that claimant completed a temporary job on March 31, 2011 and remained a part-time employee thereafter. This is why the employer did not appeal.

The employer placed claimant as a direct hire employee for an Illinois employer, McLaughlin Body Co., beginning May 16, 2011. The employer submitted a separation request form to Iowa Workforce Development on June 14, 2011 to establish claimant left for other employment. The department did not consider this issue after it issued the June 17, 2011 decision.

**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 administrative law judge concludes the claimant voluntarily left for other employment beginning May 16, 2011 and benefits are allowed. No employer's account is charged.

The department failed to timely adjudicate claimant's post March 31, 2011 employment separation as protested by the employer. While the employer did not take issue claimant was eligible for benefits by reason of him completing his temporary job, it submitted a separation form to the department that claimant left for other employment on May 16, 2011. There has been no previous adjudication on this separation issue.

**DECISION:**

The department decision dated April 23, 2012, reference 03, is modified. The claimant voluntarily left for other employment on May 16, 2011 and benefits are allowed, provided claimant is otherwise eligible. The department did not previously adjudicate this issue. No employer's account is charged.

---

Randy L. Stephenson  
Administrative Law Judge

---

Decision Dated and Mailed

rls/kjw