

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CARRIE LEMMER**  
Claimant

**APPEAL NO: 07A-UI-06664-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC/SEDONA STAFFING**  
Employer

**OC: 06/03/07 R: 03**  
**Claimant: Respondent (4)**

Section 96.5-1-a - Voluntary Leaving - Other Employment  
871 IAC 24.28(5) - Voluntary Quit Requalifications

**STATEMENT OF THE CASE:**

L A Leasing, Inc./Sedona Staffing (employer) appealed an unemployment insurance decision dated June 28, 2007, reference 03, which held that Carrie Lemmer (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 23, 2007. The claimant did not comply with the hearing notice instructions and did not call in to provide a telephone number at which she could be contacted and, therefore, did not participate. The employer participated through Colleen McGuinty, Unemployment Benefits Administrator and Kathy Hutchinson, Account Manager. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the reason for the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time general laborer from May 12, 2007 through April 20, 2007 when her assignment ended. She accepted another assignment and worked on June 6 and June 7, 2007. She was next scheduled to work on June 11 but called in because she had no transportation. The claimant was a no-call/no-show the next two work days and called the employer on June 19, 2007 to make her inactive because she had a job as an assistant manager with the Casey's Store in Lisbon, Iowa.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant did not participate in the hearing but

the evidence presented by the employer demonstrates the claimant voluntarily left her employment to accept employment elsewhere.

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.

871 IAC 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.

Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify the claimant from receiving benefits, the claimant did leave in order to accept other employment and did perform services for the subsequent employer. Accordingly, benefits are allowed and the employer's account shall not be charged.

**DECISION:**

The unemployment insurance decision dated June 28, 2007, reference 03, is modified in favor of the appellant. The claimant voluntarily left her employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The employer's account shall not be charged.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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