

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GARY L SIMON
Claimant

APPEAL NO. 13A-UI-14092-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

**OC: 11/17/13
Claimant: Appellant (4-R)**

Section 96.5(1)a – Quit/Other Employment

STATEMENT OF THE CASE:

The claimant, Gary Simon, filed an appeal from a decision dated December 16, 2013, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on January 15, 2014. The claimant participated on his own behalf. The employer, Express Services, participated by Staffing Consultant Valerie Hefel.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Gary Simon was employed by Express Services from June 1, 2011 until October 3, 2013. His last assignment was in a call center at McGraw-Hill. The call center was being moved overseas and Mr. Simon and others were told the assignment would end October 3, 2013.

On September 30, 2013, the claimant notified the employer he would not be seeking more work with Express Services because he had found another job. He began the new job at Locators, Ltd., on October 4, 2013. He filed his claim effective November 17, 2013, when that job ended.

On his claim for unemployment Mr. Simon indicated his last employer was Express Services, not Locators, Ltd., due to a misunderstanding.

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 claimant quit in order to accept a new job, which he did accept and worked for the new employer after the separation from Express Services. Under the provisions of the above Code section, he has requalified for benefits.

The subsequent employer has not been notified of the claim and the separation has not been adjudicated.

DECISION:

The unemployment insurance decision dated December 16, 2013, reference 01, is modified in favor of the appellant. Gary Simons is qualified for benefits, provided he is otherwise eligible. The account of Express Services shall not be charged with benefits paid to the claimant after October 3, 2013.

The claimant's actual last employer shall be notified of the claim and the separation determined. The matter is remanded to the Agency for determination.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs