

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LISA M SALLIS

Claimant

APPEAL NO. 07A-UI-11347-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QUAD CITY TESTING LABORATORY INC

Employer

**OC: 10/28/07 R: 03
Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Lisa M. Sallis (claimant) appealed a representative's December 4, 2007 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Quad City Testing Laboratory, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 27, 2007. The claimant participated in the hearing. Rod Reinholdt appeared on the employer's behalf. The record was held open for receipt and admission of wage records as Claimant's Exhibit A. 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:

Did the claimant voluntarily quit for a disqualifying reason?

FINDINGS OF FACT:

The claimant started working for the employer on November 27, 2006. She worked full time as a metallurgical technician in the employer's industrial materials inspection and testing business. She was on a rotating three-month schedule between first shift, second shift, and third shift at a base hourly rate of pay of \$15.50. Her last day of work was a shift ending on the morning of December 12, 2007. She had informed her supervisor approximately ten days prior that this would be her last day of work as she was accepting other employment.

She began that other employment on October 15, working at an effective rate of \$15.75 per hour on a set shift. She worked through October 28, at which point her new employer determined she was not a proper fit for the position. She then established an unemployment insurance benefit year effective October 28, 2007.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she would be disqualified unless it was for a non-disqualifying reason.

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.

The claimant did voluntarily quit in order accept other employment. The claimant is not disqualified from receiving benefits as a result of this quit in the event of her subsequent separation from her new employment, but this prior employer's account will not be charged.

DECISION:

The representative's December 4, 2007 decision (reference 02) is modified in favor of the claimant. The claimant voluntarily left her employment, but the quit was not disqualifying. The claimant is eligible for unemployment insurance benefits, provided she is otherwise eligible. The employer's account will not be charged.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css