

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TROY LEWIS
Claimant

APPEAL NO. 08A-UI-08899-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF CEDAR RAPIDS
Employer

OC: 12-23-07 R: 03
Claimant: Respondent (4)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed a timely appeal from the September 29, 2008, reference 02, decision that allowed benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on October 20, 2008. The claimant did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Barb Kotz, Administrative Assistant, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left to accept employment elsewhere.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time production worker for Manpower of Cedar Rapids from October 30, 2006 to June 23, 2008. He was last assigned to work at Winegard. The Manpower corporate office bought Manpower of Cedar Rapids effective June 23, 2008, and the claimant continued his employment with Winegard through the corporate office until July 9, 2008.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his 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.

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

DECISION:

The September 29, 2008, reference 02, decision is modified in favor of the appellant. The claimant was discharged from employment for no disqualifying reason. Benefits are allowed, provided the claimant is otherwise eligible, and the account of Manpower of Cedar Rapids shall not be charged.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/kjw