

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ASHLEY A OAKLEY
Claimant

APPEAL NO. 08A-UI-05308-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

STREAM INTERNATIONAL INC
Employer

OC: 04/20/08 R: 01
Claimant: Respondent (4)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Stream International Inc. filed an appeal from a representative's decision dated May 27, 2008, reference 02, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 17, 2008. Ms. Oakley participated personally. The employer participated by Jacqueline Kurtz, Human Resource Recruiter and Michelle Hanson, Supervisor.

ISSUE:

The issue in this matter is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for Stream International from July 2007 until April 20, 2008 when she voluntarily quit employment to accept a new job. Ms. Oakley was employed as a full-time customer service representative and was paid by the hour.

The claimant left her employment in order to accept new employment with Qwest. The claimant's new employment began on Monday, April 21, 2008 and the claimant performed services for Qwest before being laid off or separated from employment. Work continued to be available to Ms. Oakley at Stream International at the time that she chose to leave her employment without advance notice.

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.

Based upon the evidence in the record the administrative law judge concludes that the claimant's sole purpose for leaving her employment was to accept other or better employment with Qwest Company. The evidence establishes that Ms. Oakley performed services for Qwest Company after leaving her employment with Stream International without advance notice. Because the claimant left her employment with Stream International for the sole purpose of accepting other or better employment which the claimant did accept and perform services for the new employer, benefits relating to wage credits earned with Stream International should be charged to the Unemployment Compensation Fund.

DECISION:

The representative's decision dated May 27, 2008, reference 02, is hereby affirmed as modified. The claimant voluntarily quit employment for the sole purpose of accepting other or better employment under nondisqualifying conditions. Benefits relating to wage credits earned with Stream International shall be charged to the Unemployment Compensation Fund.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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