

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LARITZA N MONT REYES
Claimant

APPEAL NO. 21A-UI-10740-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 02/07/21
Claimant: Respondent (4)

Iowa Code Section 96.5(1)(a) – Voluntary Quit to Accept Other Employment

STATEMENT OF THE CASE:

The employer filed a timely appeal from the April 5, 2021, reference 02, decision that allowed benefits, provided the claimant was otherwise eligible, and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant's February 5, 2021 separation was non-disqualifying. After due notice was issued, a hearing was held on July 1, 2021. The claimant did not provide a telephone number for the appeal hearing and did not participate. Sarah Fiedler represented the employer. Exhibits 1 and 2 were received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, WAGE-A, KFFV, the February 10, 2021 Team Staffing Solutions, Inc. protest via SIDES, and April 22, 2021 Allsteel, Inc. protest via SIDES.

ISSUE:

Whether the claimant voluntarily quit employment with Team Staffing Solutions, Inc. effective February 5, 2021, for the sole purpose of accepting other employment with Allsteel, Inc.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Team Staffing Solutions, Inc. is a temporary employment agency. On November 2, 2020, the claimant began a full-time, temp-to-hire work assignment at Allsteel, Inc. Effective February 5, 2020, the claimant voluntarily separated from the Team Staffing Solutions, Inc. employment for the sole purpose of accepting employment with Allsteel, Inc. The claimant began the new employment on February 8, 2021.

REASONING AND CONCLUSIONS OF LAW:

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

Iowa Code section 96.5(1)(a) provides as follows:

Causes for disqualification.

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.

Iowa Admin. Code r. 871-24.28(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. The employment does not have to be covered employment and does not include self-employment.

Effective February 5, 2020, the claimant voluntarily separated from the Team Staffing Solutions, Inc. employment for the sole purpose of accepting employment with Allsteel, Inc. The quit was without good cause attributable to Team Staffing Solutions, Inc. This employer's account shall not be charged for benefits. Instead wage credits from the Team Staffing employment shall be assessed to the unemployment compensation fund. The quit to accept other employment did not disqualify the claimant for benefits. The claimant is eligible for benefits, provided she is otherwise eligible.

DECISION:

The April 5, 2021, reference 02, decision is modified in favor of the employment/appellant as follows. The claimant voluntarily quit the employment on February 5, 2021 without good cause attributable to this employer to accept other employment. This employer's account shall not be charged. Wage credits from the Team Staffing employment shall be assessed to the unemployment compensation fund. The claimant is eligible for benefits, provided she is otherwise eligible.



James E. Timberland
Administrative Law Judge

July 14, 2021
Decision Dated and Mailed

jet/mh