

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOYCE L ZORN
Claimant

APPEAL NO. 07A-UI-07651-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**L A LEASING INC
SEDONA STAFFING**
Employer

**OC: 05/27/07 R: 12
Claimant: Respondent (4)**

871 IAC 23.43(9)a – Cross Wage Claim Relief of Charges
Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated July 30, 2007, reference 01, which held claimant eligible for unemployment insurance benefits and charged the employer's account. After due notice, a telephone conference hearing was scheduled for and held on August 27, 2007. Employer participated by Colleen McGuinty, Unemployment Benefits Administrator, and Carrie Cannon, Account Manager. Claimant participated.

ISSUE:

The issues are whether the employer's account can be relieved of charges and whether the claimant voluntary quit for better employment.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: Claimant last worked for employer on September 15, 2006.

Claimant quit for better employment based on rate of pay and benefits.

The claimant has a cross wage claim with another state but earned wages from this employer in Iowa.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant quit for cause that was not attributable to employer. Claimant quit for new and better employment. Employer's account shall be relieved of charges. Benefits paid shall be charged to the unemployment compensation fund because claimant quit for better employment. Benefits shall be allowed.

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.

871 IAC 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.

871 IAC 23.43(9) provides in part:

(9) Combined wage claim transfer of wages.

a. Iowa employers whose wage credits are transferred from Iowa to an out-of-state paying state under the interstate reciprocal benefit plan as provided in Iowa Code section 96.20, will be liable for charges for benefits paid by the out-of-state paying state. No reimbursement so payable shall be charged against a contributory employer's account for the purpose of Iowa Code section 96.7, unless wages so transferred are sufficient to establish a valid Iowa claim, and that such charges shall not exceed the amount that would have been charged on the basis of a valid Iowa claim. However, an employer who is required by law or by election to reimburse the trust fund will be liable for charges against the employer's account for benefits paid by another state as required in Iowa Code section 96.8(5), regardless of whether the Iowa wages so transferred are sufficient or insufficient to establish a valid Iowa claim. Benefit payments shall be made in accordance with the claimant's eligibility under the paying state's law. Charges shall be assessed to the employer which are based on benefit payments made by the paying state.

The employer's account is not chargeable based upon this separation.

DECISION:

The July 30, 2007, reference 01, decision is modified in favor of the appellant. Claimant quit for new and better employment. Employer's account shall be relieved of charges. Benefits paid shall be charged to the unemployment compensation fund because claimant quit for better employment. Claimant is not disqualified for benefits by reason of this separation.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/kjw