

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KELLIE J GIFFORD**  
Claimant

**APPEAL NO. 11A-UI-12561-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JACOBSON STAFFING COMPANY LC**  
Employer

**OC: 06/26/11**  
**Claimant: Respondent (4)**

Section 96.5-1-a – Voluntary Quit to Accept Other Employment

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated September 16, 2011, reference 02, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on October 17, 2011. The claimant failed to participate in the hearing. Danielle Aeschliman participated on behalf of the employer.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer on a temp-to-hire assignment at Jacobson Warehouse Co. Inc. from November 9, 2010, to December 18, 2011. The claimant voluntarily left employment on December 18, 2010 to accept a job with Jacobson Warehouse Co. Inc. where she worked until January 22, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

The claimant left work to accept other employment and performed services in that new employment. The claimant is qualified to receive unemployment insurance benefits based on her separation from employment with the employer, provided she is otherwise eligible. Pursuant to the statute, the employer's account will not be charged for benefits paid to the claimant.

This decision only involves Jacobson Staffing Company LC (Account 292777), because that is the employer the decision appealed was regarding. There does appear to be some confusion, as the employer sent back the notice of claim for Jacobson Staffing Company LC (Account 292777), but the letter attached to the notice of claim listed the employer as Jacobson Warehouse Co. Inc. (Account 245942) and the separation date as January 22, 2011. It is up to the employer's representative to file the proper notice of claim protesting charges to Jacobson Warehouse Co. Inc. to have that issue resolved.

**DECISION:**

The unemployment insurance decision dated September 16, 2011, reference 02, is modified in favor of the employer. The claimant is qualified to receive unemployment insurance benefits, provided she is otherwise eligible. The employer's account (Account 292777) will be exempt from charge for benefits paid to the claimant.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw