

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GUADALUPE VALENZUELA**

Claimant

**APPEAL NO: 10A-UI-12657-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AXCESS STAFFING SERVICES LLC**

Employer

**OC: 07/25/10**

**Claimant: Respondent (4)**

Iowa Code § 96.5-1-a - Voluntary Leaving - Other Employment  
871 IAC 24.28(5) - Voluntary Quit Requalifications

**STATEMENT OF THE CASE:**

Axcess Staffing Services, LLC (employer) appealed an unemployment insurance decision dated August 31, 2010, reference 04, which held that Guadalupe Valenzuela (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 26, 2010. The claimant did not comply with the hearing notice instructions and did not call in to provide a telephone number at which he could be contacted, and therefore, did not participate. The employer participated through Cynthia Castillo, Manager. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer provides employees on site at Rock Ten for Proctor and Gamble Packaging. The claimant was hired as a temporary production worker on September 29, 2009. He quit his employment on April 23, 2010 for other employment. The claimant has requalified for benefits since the separation from Axcess Staffing Services.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment to accept employment elsewhere.

Iowa Code § 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(5) provides:

(5) Sole purpose. 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. No charge shall accrue to the account of the former voluntarily quit employer.

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code § 96.5(1). An exception is if the individual left in good faith for the sole purpose of accepting other employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. The claimant did leave his employment for another job but has also requalified for benefits since his separation. Benefits are allowed accordingly and the employer's account is not subject to charge.

**DECISION:**

The unemployment insurance decision dated August 31, 2010, reference 04, is modified in favor of the appellant. The claimant voluntarily left his employment for other employment and has now requalified. Benefits are allowed, provided he is otherwise eligible and the employer's account shall not be charged.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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