

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

TONY J MAURATH  
1835 NW 90<sup>TH</sup> ST  
CLIVE IA 50325

MIDWEST PROFESSIONAL  
STAFFING LLC  
13375 UNIVERSITY AVE 303  
CLIVE IA 50325

Appeal Number: 06A-UI-02779-HT  
OC: 11/20/05 R: 02  
Claimant: Appellant (4)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1)a – Quit/Other Employment

STATEMENT OF THE CASE:

The claimant, Tony Maurath, filed an appeal from a decision dated March 1, 2006, reference 02. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on March 28, 2006. The claimant participated on his own behalf. The employer, Midwest Professional Staffing LLC (Midwest), participated by Staffing Specialist Patti Moore.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Tony Maurath was employed by Midwest from October 24 until December 30, 2005. He was assigned to Iowa Paint. The assignment ended

on December 30, 2005, when the client company had no further work for him. Prior to that Mr. Maurath had notified Staffing Specialist Patti Moore he would not be accepting any assignments after the current one ended because he had accepted permanent employment with another company which began January 3, 2006.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is not.

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 completed his assignment then declined to accept any further work from this employer because he had been hired elsewhere. He is currently employed with the subsequent employer.

#### DECISION:

The representative's decision of March 1, 2006, reference 02, is modified in favor of the appellant. Tony Maurath is qualified for benefits, provided he is otherwise eligible. However, Midwest Professional Staffing shall not be charged with any benefits paid to the claimant after December 30, 2005.

bgh/kkf