

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TYLER L FISHER
Claimant

APPEAL NO. 13A-UI-08947-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC
Employer

OC: 06/23/13
Claimant: Appellant (5)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Tyler Fisher, filed an appeal from a decision dated July 25, 2013, reference 02. The decision disqualified him from receiving unemployment benefits because she quit work on July 1, 2013. After due notice was issued, a hearing was held by telephone conference call on September 11, 2013. The claimant participated on her own behalf. The employer, QPS Employment Group (QPS) participated by Human Resources Supervisor Rhonda Hefter and Branch Manager Amelia Clark.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Tyler Fisher was employed by QPS from May 14, 2013 until July 3, 2013. She was originally assigned to Mrs. Clark's Foods but she quit that assignment on July 1, 2013. She then accepted a two-day part-time assignment at Treat America, which ended July 3, 2013. On Friday, July 5, 2013, she called the office as required to say she had accepted another job and would not be seeking another assignment from QPS.

Mr. Fisher accepted full-time work through another agency starting July 8, 2013, and continues in that job through the date of the hearing.

REASONING AND CONCLUSIONS OF LAW:

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 24.26(22) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(22) The claimant was hired for a specific period of time and completed the contract of hire by working until this specific period of time had lapsed. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employees shall be considered to have voluntarily quit employment.

The claimant ended one assignment prematurely at Mrs. Clark's Foods but did accept another assignment which she completed. She then declined to accept further assignments because she had obtained a job elsewhere. After that her wages were in excess of her weekly benefit amount and she did not file any weekly claims after July 13, 2013.

The claimant quit work on July 5, 2013, without good cause attributable to the employer and is disqualified as of that date.

DECISION:

The representative's decision of July 25, 2013, reference 02, is modified without effect. The claimant's employment ended July 5, 2013, when she notified the employer she would not be accepting any further assignments. As this is the same one-week period from June 30 through July 6, 2013, she is disqualified effective that week until she had earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

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