

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

LANCE R BLOCK
3271 – 59TH ST TRAIL
VINTON IA 52349

TEAM STAFFING SOLUTIONS INC
116 HARRISION ST
MUSCATINE IA 52761

Appeal Number: 05A-UI-04981-DWT
OC: 04/10/05 R: 03
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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1-a – Quit for Other Employment

STATEMENT OF THE CASE:

Lance B. Block (claimant) appealed a representative's May 4, 2005 decision (reference 03) that concluded he was not qualified to receive unemployment and the account of Team Staffing Solutions, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 31, 2005. The claimant participated in the hearing. Bill Ramsey, a claims specialist, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the employer's account subject to charge?

FINDINGS OF FACT:

The claimant registered to work for the employer in January 2003. The last job the employer assigned the claimant was to start on April 6, 2004. The claimant did not report to this job and did not contact the employer again. The claimant did not start this job assignment because he accepted another full-time job that started about the same time as the employer's April 6 job assignment.

Since April 6, 2004, the claimant has worked for other employers. He has earned more than ten times his weekly benefit amount between April 6, 2004 and April 10, 2005.

REASONING AND CONCLUSIONS OF LAW:

When a claimant voluntarily quits a job because he has accepted other employment, the claimant is not disqualified from receiving benefits and the employer's account will not be charged. Iowa Code §96.5-1-a. This employer is not the claimant's most recent employer. Even though the reasons for this employment separation are for nondisqualifying reasons, the reason for this employment separation does not affect the claimant's eligibility to receive unemployment insurance benefits. Since the claimant quit for other employment, the employer's account will not be charged.

(When the employer protested, the employer indicated the claimant's last of work was in 2005, not 2004.)

DECISION:

The representative's May 4, 2005 decision (reference 03) is modified in the claimant's favor. The claimant is not disqualified from receiving benefits based on the reasons for this employment separation. The employer's account will not be charged.

dlw/s