

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**MICHELLE R MADSEN**  
Claimant

**ADVANCE SERVICES INC**  
Employer

**APPEAL NO. 21A-UI-07099-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/03/21  
Claimant: Respondent (4)**

Iowa Code Section 96.5(1)(a) – Voluntary Quit to Accept Other Employment

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the March 2, 2021, reference 01, decision that allowed benefits to the claimant, provided the claimant was otherwise eligible, and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on December 12, 2020 for no disqualifying reason. After due notice was issued, a hearing was held on May 18, 2021. The claimant did not provide a telephone number for the hearing and did not participate. Melissa Lewien represented the employer. Exhibits 1 and 2 were received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, KPYX, and WAGE-A.

**ISSUES:**

Whether the claimant was discharged for misconduct in connection with the employment.  
Whether the claimant voluntarily quit without good cause attributable to the employer.  
Whether the claimant voluntarily quit the employment with ASI for the sole purpose of accepting other or better employment.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Advance Services, Inc. (ASI) is a temporary employment agency. The claimant began her employment with ASI in May 2020. The claimant's most recent assignment as an employee of ASI was a full-time, temporary work assignment at OSI Industries. The claimant last performed work in the assignment on Friday, December 11, 2020. On December 11, 2020, the claimant notified an ASI representative that she had accepted full-time employment with OSI and would be beginning the new employment the following Monday. Iowa Workforce Development records (WAGE-A) reflect that the claimant did indeed commence employment with OSI Industries following her separation from ASI.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5(1)(a) provides as follows:

Causes for disqualification.

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.

Iowa Admin. Code r. 871-24.28(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. The employment does not have to be covered employment and does not include self-employment.

The evidence in the record establishes that the claimant voluntarily quit the ASI employment without good cause attributable to ASI and for the sole purpose of accepting employment with OSI Industries. The employer account of ASI shall not be charged. The wage credits associated with the ASI employment shall be assessed to the unemployment compensation fund. The separation from the ASI employment did not disqualify the claimant for unemployment insurance benefits. The claimant is eligible for benefits, provided the claimant meets all other eligibility requirements.

**DECISION:**

The March 2, 2021, reference 01, decision is modified in favor of the employer/appellant as follows. The claimant voluntarily quit the ASI employment effective December 11, 2020 without good cause attributable to the employer and for the sole purpose of accepting other employment. The employer account of ASI shall not be charged. The wage credits associated with the ASI employment shall be assessed to the unemployment compensation fund. The claimant is eligible for benefits, provided the claimant meets all other eligibility requirements.



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James E. Timberland  
Administrative Law Judge

September 16, 2021  
Decision Dated and Mailed

jet/scn