

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GLORIA A TOWNSEL
Claimant

APPEAL NO: 11A-UI-04979-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMPS NOW HEARTLAND LLC
Employer

OC: 01/02/11

Claimant: Respondent (4)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Temps Now Heartland, L.L.C. (employer) appealed a representative's April 11, 2011 decision (reference 01) that concluded Gloria A. Townsel (claimant) was qualified 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 10, 2011. The claimant failed to respond to the hearing notice and provide a telephone number at which she could be reached for the hearing and did not participate in the hearing. Joseph McDonnell of Personnel Planners appeared on the employer's behalf and presented testimony from one witness, Mary Burkett. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a disqualifying reason?

FINDINGS OF FACT:

The employer is a temporary employment firm, primarily for temp-to-hire positions. The claimant's first assignments with the employer began on June 8, 2010, working full-time on the cab line in the employer's business client's Waterloo, Iowa, manufacturing operation, run on the premises of another manufacturer. The assignment with that business client ended on December 21, 2010, when the facility was shut down for the holiday layoff. When production resumed on January 3, 2011, there was a new business client operating the premises, and the claimant began working on assignment to that business client. Her last day on the assignment was January 16, 2011. The assignment ended because, as of January 17, the claimant accepted an offer to become a direct employee of the business client; as of January 17 the claimant was on the business client's own payroll, and continues on that basis at least through the date of the hearing.

The claimant established an unemployment insurance benefit year effective January 2, 2011. She has not filed any weekly claims since that date, which is reasonable given the indication that since then she has been fully employed. She may have filed her claim when she did as she had attempted to establish a claim for unemployment insurance benefits in late 2010, possibly

to cover the holiday layoff, but at that time lacked sufficient wage credits to maintain a claim. She may have been advised to re-file her claim after the start of the year when another quarter's credits would be on file; however, her layoff period had ended by the time her new claim was established.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for a non-disqualifying reason. Iowa Code § 96.5-1. One reason a voluntary quit is non-disqualifying is if an employee quits for the reason of accepting and entering into new employment. Iowa Code § 96.5-1-a. However, under these circumstances the employer's account is also not subject to charge.

The claimant did voluntarily quit as of January 17, 2011 in order accept a bona fide offer of other employment and did enter into that employment. The claimant is not disqualified from receiving benefits as a result of this quit from the employer in this case, but the employer's account will not be charged.

DECISION:

The representative's April 11, 2011 decision (reference 01) is modified in favor of the employer. The claimant voluntarily left her employment as of January 17, 2011, but the quit was not disqualifying. As of January 17, 2011, the claimant would be eligible for unemployment insurance benefits, provided she is otherwise qualified. The employer's account will not be charged.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw