

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JANE S ONKEN
Claimant

APPEAL NO. 11A-UI-00458-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**L A LEASING INC
SEDONA STAFFING**
Employer

**OC: 02/14/10
Claimant: Appellant (2)**

Section 06.5-1-a – Quit for Other Employment

STATEMENT OF THE CASE:

Jane S. Onken filed a timely appeal from an unemployment insurance decision dated January 3, 2011, reference 04, that disqualified her for benefits. After due notice was issued, a telephone hearing was held February 15, 2011 with Ms. Onken participating. Colleen McGuinty and Sammi Teel participated for the employer, Sedona Staffing.

ISSUE:

Did the claimant leave work for the sole purpose of accepting other employment?

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: Jane S. Onken was employed by Sedona Staffing from June of 2010 until the end of October 2010. She then told Sedona Staffing not to call her for further assignments because of a job offer with John Deere. She performed services for John Deere in November and December 2010.

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.

When an individual has left one employment for the sole purpose of accepting other employment, the first separation is not a disqualifying event for the individual. On the other hand, the first employer is relieved of charges for benefits that may be paid. The provisions of Iowa Code section 96.5-1-a have been met in this case. Benefits are allowed. L A Leasing, Inc., doing business as Sedona Staffing, is relieved of charges.

DECISION:

The unemployment insurance decision dated January 3, 2011, reference 04, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible. L A Leasing, Inc. shall not be charged with benefits paid to the claimant.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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