

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELISSA L SHORES
Claimant

APPEAL NO. 09A-UI-03121-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALL IN A DAY LLC
Employer

**Original Claim: 01/04/09
Claimant: Respondent (4)**

Section 96.5-1-a – Voluntary Quit for Other Employment

STATEMENT OF THE CASE:

All In a Day LLC (employer) appealed a representative's February 16, 2009 decision (reference 05) that concluded Melissa L. Shores (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the claimant had been laid off from work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 25, 2009. The claimant participated in the hearing. Cyd Hall, an office manager, 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:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits, or did the employer lay her off for lack of work?

FINDINGS OF FACT:

The employer assigned the claimant to her first job on May 21, 2008. The claimant worked for the employer's medical division as CNA floater. The claimant worked at various establishments. The claimant worked one-day assignments. Although the employer's policy requires employees to contact the employer for another job assignment within three days of completing an assignment, the employer agreed the claimant could contact the employer on Thursday or Friday to find out if the employer had any weekend work for her to do.

The claimant completed an assignment on January 3, 2009. The claimant also completed an overnight assignment on January 10. On January 16, 2009, the claimant started a full-time job with Opportunities Unlimited. On January 19, 2009, the employer called the claimant about her availability to work. The claimant told the employer she had accepted a full-time job and would only be available to work every other weekend. The claimant also worked for the employer on January 25, February 14, and 15, and March 1. When the claimant started a full-time job at Mercy on March 2, she informed the employer that she did not know when she would again be able to work for the employer. The claimant has not worked for the employer since March 1, 2009.

REASONING AND CONCLUSIONS OF LAW:

This issue was addressed in the decision for appeal 09A-UI-03121-DWT. See the decision for appeal 09A-UI-03121-DWT for the Reasoning and Conclusions of Law analysis.

DECISION:

The representative's February 16, 2009 decision (reference 05) is modified in the employer's favor. As of March 1, 2009, the claimant quit working for the employer because she accepted other employment. The claimant remains qualified to receive benefits as of March 1, 2009, but the employer's account will not be charged as of this date.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw