

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEPHANIE N GREEN
Claimant

APPEAL NO. 10A-UI-02637-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CNE LTD
Employer

**Original Claim: 04/13/08
Claimant: Respondent (4)**

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

STATEMENT OF THE CASE:

The claimant appealed a department decision dated February 8, 2010, reference 08 that held she refused suitable work with CNE Ltd. on December 18, 2009, and benefits are denied. A telephone hearing was held on April 1, 2010. The claimant participated. Jessica Koenig, Staffing Manager, participated for the employer.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered the evidence in the record, finds: The claimant last worked on assignment at VGM (client) as an office administration worker for the employer October 9, 2009. The claimant was laid off when the assignment ended, and the employer had no further work available.

The claimant accepted a job at AFFINA LLC (er#338325) in November 2009. The claimant's claim record shows she began reporting wages from AFFINA the week ending November 21. The employer called the claimant about a different job at VGM on December 18, and the claimant declined, as she did not want to quit her current employment.

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.

The administrative law judge concludes that the claimant voluntarily quit employment with good cause due to leaving for other employment effective November 15, 2009.

The claimant was on layoff from the employer when she accepted employment at AFFINA on or about November 15, 2009. The claimant declined a recall to work, because she did not want to lose her current employment. Since the employer is a temporary firm, it was understandable the claimant wanted to remain with AFFINA. The employer is not liable for the claimant's claim once she began employment at AFFINA.

DECISION:

The department decision dated February 8, 2010, reference 08, is modified. The claimant voluntarily quit on November 15, 2009, for other employment. Benefits are allowed, provided the claimant is otherwise eligible. The employer is not liable for benefits after claimant accepted other employment effective November 15, 2009.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw