

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LORI A LAKE**  
Claimant

**MIDWEST PROFESSIONAL STAFFING LLC**  
Employer

**APPEAL 16A-UI-13619-CL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/27/16**  
**Claimant: Appellant (4R)**

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Iowa Code § 96.5(1)a – Voluntary Quitting/Other Employment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the December 12, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on January 17, 2017. Claimant participated. Employer participated through staffing coordinator Faith Morrow. Claimant's Exhibit A was received.

**ISSUES:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Employer is a temporary staffing firm. Claimant began working for employer in May 2015. Claimant was last assigned to work as a verification of employment processor for employer's client, Equifax. Claimant's assignment was scheduled to end on November 11, 2016. Instead of completing the assignment and requesting another assignment, claimant found other employment. Claimant was separated from employment on November 9, 2016, when she resigned to accept other employment.

On November 14, 2016, claimant began working for Traditions Children's Center located at 480 South 51st Street, Building 100, West Des Moines, Iowa 50265. Claimant was separated from this employment on November 22, 2016. The claims bureau has not made an initial decision regarding whether claimant's separation from this employer disqualifies her from receiving unemployment insurance benefits.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment to accept employment elsewhere.

Iowa Code § 96.5(1)a provides:

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 § 96.8, subsection 5.

Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify the claimant from receiving benefits, the claimant did leave in order to accept other employment and did perform services for the subsequent employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The December 12, 2016, (reference 01) unemployment insurance decision is modified in favor of the appellant. The claimant voluntarily left the employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 321491) shall not be charged.

**REMAND:**

This matter is remanded for a determination regarding whether claimant's separation from employment with Traditions Children's Center located at 480 South 51st Street, Building 100, West Des Moines, Iowa 50265, disqualifies her from receiving unemployment insurance benefits.

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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
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Decision Dated and Mailed

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