

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GREGORY C DECRANE
Claimant

APPEAL NO. 09A-UI-08513-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RIVERSIDE STAFFING SERVICES INC
Employer

OC: 04/26/09
Claimant: Respondent (4)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Riverside Staffing, filed an appeal from a decision dated June 8, 2009, reference 01. The decision allowed benefits to the claimant, Gregory Decrane. After due notice was issued a hearing was held by telephone conference call on June 30, 2009. The claimant participated on his own behalf. The employer participated by Senior Staffing Consultant Karrie Minch.

ISSUE:

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

FINDINGS OF FACT:

Gregory Decrane was employed by Riverside Staffing from April 10, 2008 until June 8, 2009. He had one assignment at a client company, Group O. He was laid off for lack of work on April 23, 2009. During the layoff he accepted another full-time at Sam's Club which he began on June 2, 2009.

Office Manager Stacie Dixon contacted him on behalf of Riverside Staffing on June 4, 2009, to offer him another assignment at Group O to begin on June 8, 2009, which he accepted. He had originally intended to quit his job at Sam's Club and go back to the temporary situation because he liked working at Group O. He changed his mind after the Iowa Workforce Development fact-finding interview on June 5, 2009, because he felt the employer's representative was "calling [him] a liar." On Monday June 8, 2009, he contacted a supervisor at Group O and said he would not be returning after all because he was not pleased Riverside Staffing had contested his unemployment. Group O notified the employer of the resignation.

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 claimant had not been guaranteed any specific return to work date at Group O when he was laid off April 23, 2009. Prior to a recall to that assignment he was offered, and accepted, work with another employer. His decision not to return to the temporary assignment was based substantially on the fact he had other employment. Under the provisions of the above Administrative Code section, this is a voluntary quit which is not a disqualifying separation.

Mr. Decrane is not disqualified but the account of Riverside Staffing shall not be charged with benefits paid to him after the week ending June 6, 2009.

DECISION:

The representative's decision of June 8, 2009, reference 01, is modified in favor of the appellant. Gregory Decrane is qualified for benefits, provided he is otherwise eligible. The account of Riverside Staffing shall not be charged with benefits paid to the claimant after the week ending June 6, 2009.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css