

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**TALETHA K PHILLIPS**  
Claimant

**APPEAL NO. 18A-UI-11488-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**  
Employer

**OC: 09/09/18**  
**Claimant: Respondent (2)**

Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the November 21, 2018, reference 02, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on the Benefits Bureau deputy's conclusion that the claimant was discharged on September 11, 2018 for no disqualifying reason. After due notice was issued, a hearing was held on December 11, 2018. Claimant Taletha Phillips did not comply with the hearing notice instructions to register a telephone number for the hearing and did not participated. Sarah Fiedler represented the employer. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant, which record reflects that no benefits have been disbursed to the claimant in connection with the original claim that was effective September 9, 2018.

**ISSUES:**

Whether Ms. Phillips was discharged for misconduct in connection with the employment.

Whether Ms. Phillips voluntary quit the employment for good cause attributable to the employer.

Whether the employer's account may be charged.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Taletha Phillips was employed by Team Staffing Solutions from July 2018 until September 13, 2018, when she voluntarily quit the employment. Ms. Phillips last performed work in the assignment on September 11, 2018. Throughout the employment, Ms. Phillips worked in a full-time, long-term, temporary work assignment at NIS in North Liberty. On September 13, 2018, Ms. Phillips notified Team Staffing Solutions that she had found other work and would not be returning to her assignment at NIS. At the time Ms. Phillips voluntarily quit the employment, Team Staffing and NIS continued to have work for Ms. Phillips in the NIS assignment.

## REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.28(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. The employment does not have to be covered employment and does not include self-employment.

Iowa Admin. Code r. 871-23.43(5) provides:

(5) Sole purpose. The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. No charge shall accrue to the account of the former voluntarily quit employer.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

The evidence in the record establishes that Ms. Phillips voluntarily quit the full-time employment on September 13, 2018 for personal reasons and without good cause attributable to the employer. Though Ms. Phillips told the employer she had found other work, Ms. Phillips did not present evidence to establish that she had accepted other employment at the time she voluntarily separated from Team Staffing Solutions. Accordingly, Ms. Phillips is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount. Ms. Phillips must meet all other eligibility requirements. The employer account of Team Staffing shall not be charged.

**DECISION:**

The November 21, 2018, reference 02, decision is reversed. The claimant voluntarily quit the employment on September 13, 2018 without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer account shall not be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/rvs