

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANN L ESSY
Claimant

APPEAL NO: 13A-UI-05337-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**PALMER COMPANIES INC
PALMER CONSULTING**
Employer

OC: 09/16/12

Claimant: Appellant (4)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Ann L. Essy (claimant) appealed a representative's April 24, 2013 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Palmer Companies, Inc. / Palmer Consulting (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 10, 2013. The claimant participated in the hearing. Tammy Sanders 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 for a disqualifying reason?

OUTCOME:

Modified. Benefits allowed; employer's account relieved of charge.

FINDINGS OF FACT:

The employer is a temporary employment and staffing firm. After a prior period of employment with the employer, the claimant most recently resumed working with the employer on November 5, 2012. She worked part time (about 25 hours per week) as a human resources management consultant for the employer's business client. Her last day actually working for the business client was March 15, 2013. The business client and the employer both considered the contract work completed as of that date.

The business client inquired of the claimant if she would be willing to remain available to the business client for about two weeks on a retainer business. She did not work on the client's site after March 15, but she did consult from her home for a few hours during the two-week period. She had previously inquired of the employer of handling the two-week retainer as an independent contractor; however, the employer wished to retain control over the claimant's

relationship with the business client. There was some miscommunication between the claimant and the employer on this point; the employer believed that the claimant was trying to work against her contract with the employer, and the claimant believed that the employer was being obstructionist and was not otherwise looking for other work for her. As a result, on April 3, 2013 the claimant informed the employer that she was severing her relationship with the employer.

The claimant had already been working a second job about five hours per week. As of April 3 she decided to accept more work with that other employer rather than to continue to attempt to work through the employer; she increased her hours at that other employer to at least 25 hours per week.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for a non-disqualifying reason. Iowa Code § 96.5-1. One reason a voluntary quit is non-disqualifying is if an employee quits for the reason of accepting and entering into new employment. Iowa Code § 96.5-1-a. However, under these circumstances the employer's account is also not subject to charge.

The claimant did voluntarily quit in order accept an opportunity for other employment. The claimant is not disqualified from receiving benefits as a result of her quit from the employer in this case, but the employer's account will not be charged.

DECISION:

The representative's April 24, 2013 decision (reference 01) is modified in favor of the claimant. The claimant voluntarily left her employment, but the quit was not disqualifying. The claimant is eligible for unemployment insurance benefits, provided she is otherwise eligible. The employer's account will not be charged.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs