

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALLISON R SAUNDERS
Claimant

LABOR READY MIDWEST INC
Employer

APPEAL 16A-UI-07933-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/05/16
Claimant: Appellant (4)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.28(5) – Quit for Other Employment
Iowa Admin. Code r. 871-23.43(5) – Quit for Other Employment

STATEMENT OF THE CASE:

The claimant filed an appeal from the July 12, 2016, (reference 03) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified of the hearing. A telephone hearing was held on August 8, 2016. The claimant Allison Saunders participated and testified. Witness Jamie McLaughlin also testified on behalf of the claimant. The employer Labor Ready Midwest participated through Branch Manager Phillip Schueller. Employer's Exhibit 1 and claimant's Exhibits A and B were received into evidence.

ISSUE:

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: Claimant was employed full time as a customer service representative from June 15, 2015, until this employment ended on April 8, 2016, when she voluntarily quit.

On April 8, 2016, claimant submitted her notice, via email, to Schueller that she was resigning effective April 22, 2016, because she had accepted other employment. (Exhibit 1). Schueller accepted claimant's resignation and planned on having her work the remainder of her notice period. Claimant did not come in to work as scheduled on April 11 or 12. On April 12, Schueller notified claimant that since she had given her notice and then was a no-call/no-show the following two work days, she did not need to come in any longer. Once claimant received noticed that she did not need to work the remainder of her notice period, she informed her new employer that she was available immediately. Claimant began her new job the following day and continued to work there until early June.

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:

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.

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.

Claimant left her position with the employer to accept another full time position. Claimant worked at her new job from April 13, 2016, until she was separated from employment in early June 2016. 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 before being separated from the new employment. Accordingly, benefits are allowed, provided the claimant is otherwise eligible, and the account of the employer shall not be charged.

DECISION:

The July 12, 2016, (reference 03) 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 290927-000) shall not be charged.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

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