

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PERRY B NELSON**  
Claimant

**APPEAL NO. 13A-UI-13090-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SHORT STAFFED INC**  
Employer

**OC: 10/20/13  
Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated November 18, 2013, reference 02, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on December 16, 2013, by telephone conference call. The claimant participated personally. The employer participated by Julie Klein, Office Manager. The record consists of the testimony of Perry Nelson; the testimony of Julie Klein; and Claimant's Exhibit A.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a staffing agency. The claimant was hired on July 24, 2013, to work at a company called Noram. The claimant is a licensed electrician. In mid-August 2013, the amount of work available at Noram began to lessen. The claimant found work with Service Electric, a business owned by Mark Pottebaum. On August 19, 2013, the claimant picked up his paycheck and told Julie Klein, the office manager for the employer, that he was quitting because he found another job. The claimant worked for Mr. Pottebaum until he was laid off by Mr. Pottebaum in mid-October 2013.

**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 is eligible for unemployment insurance benefits. The evidence showed that the claimant did resign from his temporary employment with the employer but he did so because work had been slow and he had another job. The claimant accepted a position with Mark Pottebaum-Service Electric and worked for that employer for approximately two months. Given these facts, the claimant will not be disqualified from receiving unemployment insurance benefits. Benefits relating to wage credits earned with this employer shall be charged to the unemployment compensation fund.

**DECISION:**

The decision of the representative dated November 18, 2013, reference 02, is modified in favor of the appellant. Unemployment insurance benefits are allowed if the claimant is otherwise eligible. Benefits relating to wage credits earned with this employer (521584) shall be charged to the unemployment compensation fund.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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