

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

DAVID J COOHEY  
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DUBUQUE IA 52004-1189

LABOR READY MIDWEST INC  
c/o TALX UCM SERVICES INC  
PO BOX 66864  
ST LOUIS MO 63166-6864

LABOR READY MIDWEST INC  
ATTN PAYROLL TAX DEPT  
PO BOX 2910  
TACOMA WA 98401-6864

Appeal Number: 06A-UI-05116-CT  
OC: 03/26/06 R: 12  
Claimant: Respondent (3)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1)a – Quit for Other Employment

STATEMENT OF THE CASE:

Labor Ready Midwest, Inc. filed an appeal from a representative's decision dated May 3, 2006, reference 02, which held that no disqualification would be imposed regarding David Coohy's separation from employment. After due notice was issued, a hearing was held by telephone on May 30, 2006. Mr. Coohy participated personally. The employer participated by Tom Peele, Branch Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Coohy began working for Labor Ready Midwest, Inc., a temporary placement firm, in August of 2003. As of November 17, 2005, he

was assigned to work full time for Browning-Ferris Industries (BFI). As of that date, the contract to provide workers to BFI was transferred from Labor Ready to Elite. Mr. Coohey was notified that he could continue working for Labor Ready on a different assignment or continue working at BFI under Elite. Mr. Coohey chose to continue the assignment at BFI under a different employer. He continued to work for Elite until February of 2006.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Coohey was separated from employment for any disqualifying reason. As of November 17, 2005, Mr. Coohey had the option of working for Labor Ready, his then current employer, or working for Elite. Since he chose to work for Elite, the administrative law judge concludes that he quit his employment with Labor Ready in good faith for the sole purposes of accepting other employment. Inasmuch as Mr. Coohey had performed services in the new employment when he filed his claim for job insurance benefits effective March 26, 2006, he is allowed benefits pursuant to Iowa Code section 96.5(1)a. The unemployment account of Labor Ready will not be charged for benefits paid to Mr. Coohey as a result of the decision herein.

#### DECISION:

The representative's decision dated May 3, 2006, reference 02, is hereby modified. Mr. Coohey left his employment with Labor Ready in good faith for the sole purpose of accepting other employment where he has performed services. Benefits are allowed, provided he satisfies all other conditions of eligibility. Labor Ready will not be charged for benefits paid to Mr. Coohey as a result of this decision.

cfc/kkf