

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VERONICA E HILL
Claimant

APPEAL NO. 09A-UI-19433-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CLINTON STAFFING COMPANY
Employer

OC: 10/04/09
Claimant: Respondent (4)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated December 22, 2009, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 5, 2010. Claimant participated. Employer participated by Jane Brown, human resources representative. The record consists of the testimony of Veronica Hill; the testimony of Jane Brown; and Employer's Exhibits 1-2. Official notice is taken of agency wage records.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer; and
Whether the employer's account should be charged.

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 temporary employment agency located in Clinton, Iowa. The claimant's first assignment with the employer started on August 20, 2009, at Skyline—a manufacturing/assembly facility in Clinton. She continued to be assigned to Skyline off and through September and October 2009. On October 30, 2009, all of the temporary employees were laid off at Skyline. The claimant, however, was offered the opportunity to work directly for Skyline at Skyline North. She did not request another assignment from the employer at that time. The claimant worked directly for Skyline North for approximately two weeks. Agency records confirm wages were paid by Skyline to the claimant in the fourth quarter of 2009.

After approximately two weeks, the claimant's car broke down and she did not have the funds to repair the vehicle. She had to resign her job with Skyline because she needed a car in order to do her job.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits.

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.

871 IAC 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 claimant left her position with the employer on or about October 30, 2009, to work for another employer. The claimant worked two weeks for this new employer before voluntarily resigning. When an employee quits work to take other employment, she is not disqualified from receiving unemployment insurance benefits. The claimant quit work to take other employment. She voluntarily quit without good cause attributable to the employer. Benefits are allowed because the claimant left to take other employment. The employer will not be charged.

DECISION:

The decision of the representative dated December 22, 2009, reference 01, is modified in favor of the employer. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible. No benefits shall be charged to the account of the employer Clinton Staffing Company.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs