

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELISSA A MORROW
Claimant

APPEAL NO: 13A-UI-08512-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOHERTY STAFFING SOLUTIONS
Employer

OC: 12/02/12
Claimant: Respondent (4)

Section 96.5-1-a – Voluntary Quit/Other or Better Employment

STATEMENT OF THE CASE:

The employer appealed a department decision dated July 19, 2013 reference 01 that held the claimant was laid off on June 16, 2013, and benefits are allowed. A telephone hearing was held on August 14, 2013. The claimant submitted Exhibit A in lieu of participation. Glenda Niemiec, Unemployment Insurance Administrator, participated for the employer. Employer Exhibit 1 was received as evidence.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record, finds: The claimant worked for the employer on assignment at Polaris from October 19, 2012 to June 1, 2013. She started working at Polaris on June 1 and continued until she experienced a temporary layoff on June 21. She has been recalled to work at Polaris as of August 7.

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 administrative law judge concludes claimant left employment with good cause due to leaving for better/other employment effective June 1, 2013. Claimant is eligible for benefits, and the employer's account is relieved from liability.

Claimant was placed at Polaris through the employer temporary firm and was hired as a permanent employee by Polaris on June 1. She was put on a temporary la-off June 21, but she has been recalled to work on August 7.

DECISION:

The department decision dated July 19, 2013, reference 01, is modified. The claimant voluntarily left with good cause due to leaving for other/better employment on June 1, 2013. Benefits are allowed, provided the claimant is otherwise eligible. The employer is not liable for benefits paid to the claimant.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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