

**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**

**DAWN H CHREST  
1001 ELK ST  
SABULA IA 52070**

**PEOPLE 2.0 GLOBAL INC  
780 E MARKET ST #120  
WEST CHESTER PA 19382**

**Appeal Number: 06A-UI-03296-CT  
OC: 02/12/06 R: 04  
Claimant: Respondent (1)**

**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(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

People 2.0 Global, Inc. (People) filed an appeal from a representative's decision dated March 9, 2006, reference 02, which held that no disqualification would be imposed regarding Dawn Chrest's separation from employment. After due notice was issued, a hearing was held by telephone on April 10, 2006. Ms. Chrest participated personally. The employer participated by Carmen Manning, Risk Analyst.

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: Ms. Chrest began working for People on August 11, 2005, and was assigned to work for Metform. Effective January 1, 2006, she was transferred to

the payroll of All Star Staffing, a company affiliated with People. Ms. Chrest was not given the option of remaining with People and being placed in a different assignment. She continued to work for Metform until laid off on February 9, 2006. Workforce Development has issued a determination regarding Ms. Chrest's separation from All Star Staffing.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Chrest was separated from employment for any disqualifying reason. She became separated from People on December 31, 2005, because the employer made the unilateral decision to transfer her to a different employer, All Star Staffing. Because the separation was initiated by People, it is considered a discharge. An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982).

Ms. Chrest's separation from People was not due to any misconduct on her part. It was due solely to restructuring within the employer's business. For the above reasons, it must be concluded that her separation was not for any disqualifying reasons. Accordingly, benefits are allowed.

There is the potential that People may be relieved of charges for benefits paid to Ms. Chrest if Workforce Development determines that All Star Staffing is a successor employer to People. Liability issues will be determined by the tax unit of Workforce Development.

DECISION:

The representative's decision dated March 9, 2006, reference 02, is hereby affirmed. Ms. Chrest was separated from People for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/kkf