

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL TAYLOR**  
Claimant

**APPEAL NO: 12A-UI-09056-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 07-01-12**  
**Claimant: Respondent (4)**

Section 96.5(1) – Voluntary Leaving  
871 IAC 24.26(19 & 22) – Voluntary Leaving  
Section 96.5-1-j – Reassignment from Employer

**STATEMENT OF CASE:**

The employer filed a timely appeal from the July 27, 2012, reference 01, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on August 21, 2012. The claimant participated in the hearing. Steve Volle, Unemployment Specialist, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time laborer for Advance Services last assigned to Snappy Popcorn from April 23, 2012 to May 11, 2012. The claimant's assignment ended due to a lack of work and he immediately reported to the employer for another assignment but it did not have one available at that time. On May 23, 2012, the claimant notified the employer he was going to work for Career Options. He completed his assignment with Career Options and then notified the employer he would no longer be available to accept assignments because he was moving to Missouri.

The issue of the claimant's separation from Career Options and move to Missouri is being adjudicated in appeal number 12A-UI-09242.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's separation was not disqualifying.

Iowa Code section 96.5-1 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.

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 completed the assignment and sought reassignment from the employer. He then left his employment with this employer to accept work with Career Options and performed work for Career Options. Inasmuch as the claimant completed the contract of hire with the employer and sought reassignment from the employer, before accepting work with a subsequent employer, no disqualification is imposed. Benefits are allowed and the account of Advance Services shall not be charged.

**DECISION:**

The July 27, 2012, reference 01, decision is modified in favor of the appellant. The claimant voluntarily left his employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of this employer shall not be charged.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs