

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

NICK L THIELEN  
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DOBBS TEMPORARY SERVICES INC  
PRO STAFF – DES MOINES  
5215 N O'CONNOR BLVD #925  
IRVING TX 75039

Appeal Number: 04A-UI-09576-DWT  
OC 07/25/04 R 02  
Claimant: Respondent (4)

**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 are 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

STATEMENT OF THE CASE:

Dobbs Temporary Services, Inc., doing business as Pro Staff-Des Moines (employer), appealed a representative's August 24, 2004 decision (reference 01) that concluded Nick L. Thielen (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant had been laid off from work on August 5, 2004. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 28, 2004. The claimant participated in the hearing. Melissa Schon, the employer's unemployment insurance specialist, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary and full-time employment firm. The claimant registered to work for the employer in 2002. The employer assigned the claimant to work at Bridgestone/Firestone. Another employment firm obtained the contract to supply Bridgestone/Firestone with temporary employees as of February 6, 2004. The claimant had the opportunity to continue working at Bridgestone/Firestone under the new temporary employment firm or to work for the employer's clients. The claimant chose to remain working at the Bridgestone/Firestone assignment. The claimant worked for Ameritemps, Inc. at Bridgestone/Firestone until July 26, 2004 when his assignment ended.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. If a claimant voluntarily leaves for other employment, the claimant is not disqualified from receiving unemployment insurance benefits and the employer's account will not be charged. Iowa Code §96.5-1-a.

The facts establish the claimant's employment with the employer ended on February 6, 2004, when the claimant accepted employment with another temporary employment firm. The claimant then worked for the new firm, Ameritemp, Inc., until July 26, 2004. Under these facts, the claimant's employment separation from the employer does not disqualify him from receiving unemployment insurance benefits. Additionally, the employer's account will not be charged.

The administrative law judge recognizes that the claimant accepted employment with the employer again on July 30, 2004. As of September 28, the claimant has only filed a claim for one week of benefits, the week ending July 31, 2004.

DECISION:

The representative's August 24, 2004 decision (reference 01) is modified in the employer's favor. The claimant voluntarily quit working for the employer on February 6, 2004, because he accepted employment with another employment firm. As of July 25, 2004, the claimant is not disqualified from receiving benefits based on his February 6, 2004 employment separation from the employer. The employer's account will not be charged.

dlw/s