

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARIA A GARCIA
Claimant

APPEAL NO. 10A-UI-01690-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEATON CORPORATION
Employer

OC: 04/05/09
Claimant: Respondent (4-R)

Section 96.5-1-a – Voluntary Quit to Accept Other Employment

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated January 21, 2010, reference 07, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on March 5, 2010. The claimant participated in the hearing. Rachael Leist participated on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment to take other employment?

FINDINGS OF FACT:

The employer is a staffing service that provides workers to Proctor and Gamble. The claimant worked for the employer from June 3, 2009, to July 11, 2009. The claimant left employment on July 11, 2009, to accept a job with AAA Human Capital LLC. The claimant performed services for AAA Human Capital LLC at Proctor and Gamble until December 2009, when her employment ended. She filed a claim for unemployment insurance benefits effective December 27, 2009.

AAA Human Capital LLC is a subcontractor of the employer at Proctor and Gamble, but has a separate unemployment account (345801) and it reported wages for the claimant starting in July 2009. If the claimant would have requested, she could have stayed as an employee of Staff Management.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code § 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 left work to accept other employment and performed services in that new employment. The claimant is qualified to receive unemployment insurance benefits based on her separation from the employer. Pursuant to the statute, the employer's account will not be charged for benefits paid to the claimant.

The Agency mistakenly considered the employer to be the most recent employer when the claimant when it was actually AAA Human Capital LLC (Account 345801). The issue of whether the claimant is qualified to receive benefits based on her separation from AAA Human Capital is remanded to the Agency.

DECISION:

The unemployment insurance decision dated January 21, 2010, reference 07, is modified in favor of the employer. The claimant is qualified to receive unemployment insurance benefits, provided she is otherwise eligible. The employer's account will be exempt from charge for benefits paid to the claimant. The issue of whether the claimant is qualified to receive benefits based on her separation from AAA Human Capital is remanded to the Agency.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css