

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOAN SAMSON
Claimant

SEDONA STAFFING INC
Employer

APPEAL 20A-UI-08367-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/26/20
Claimant: APPELLANT (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On July 16, 2020, the claimant filed an appeal from the July 8, 2020, (reference 01) unemployment insurance decision that denied benefits based on voluntary quit without good cause. The parties were properly notified about the hearing. A telephone hearing was held on August 27, 2020. Claimant participated. Employer participated through Colleen McGuinty, UI Administrator.

ISSUE:

Did claimant quit her 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: Claimant began working for employer on September 5, 2019. Claimant last worked as a full-time laborer. The employer is an employment agency. Claimant had a brief placement for about two weeks in September 2019. On November 11, 2019 claimant was placed with Hollander Sleep Products. On January 13, 2020, claimant was hired by Hollander Sleep Products and became a full-time employee of that company. Claimant's employment with Sedona Staffing Inc. ended at that time. The employer, Sedona Staffing Inc. knew she was hired by Hollander Sleep Products. Claimant worked for Hollander Sleep Products until it shut down due to the pandemic.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-23.43(5) provides:

(5) Sole purpose. The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. No charge shall accrue to the account of the former voluntarily quit employer.

Claimant quit her employment with Sedona Staffing to accept an offer of better employment. Claimant performed work for her new employer. While the claimant quit Sedona Staffing Inc., the quit is not a disqualifying quit. The employer's account is not to be charged due to claimant's quit.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The July 8, 2020, (reference 01) unemployment insurance decision is reversed. Benefits are awarded, provided she is otherwise eligible. No charge shall accrue to the account of the former voluntarily quit employer.



James F. Elliott
Administrative Law Judge

August 28, 2020
Decision Dated and Mailed

je/scn