

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DARIEN K SLOAT
Claimant

APPEAL NO. 08A-UI-03295-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

RESCARE INC
Employer

**OC: 03/02/08 R: 03
Claimant: Appellant (4)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Darien Sloat (claimant) appealed a representative's March 27, 2008 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Rescare (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for April 17, 2008. The claimant was represented by Michael Brown, Attorney at Law, and participated personally. The employer participated by Jeanne Snyder, Director of Human Resources.

ISSUE:

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on August 1, 1984, as a full-time Director of Alternative Business Development. The claimant quit work on December 28, 2007, to take other employment. After quitting, the new employment offer was withdrawn. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons, the administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits after his separation from work.

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 left his position with the employer to work for another employer. When an employee quits work to take other employment, he is not disqualified from receiving unemployment insurance benefits. The claimant quit work to take other employment. He voluntarily quit without good cause attributable to the employer. Benefits are allowed because the claimant left to take other employment. The employer will not be charged.

DECISION:

The representative's March 27, 2008 decision (reference 01) is modified in favor of the claimant. The claimant voluntarily left work without good cause attributable to the employer. The claimant is not disqualified from receiving unemployment insurance benefits because he quit to take other employment. The employer will not be charged.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw