

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BARRY J NIKKEL
Claimant

APPEAL NO: 12A-UI-02364-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RUETERS
Employer

OC: 11/27/11
Claimant: Appellant (4/R)

Iowa Code § 96.5(1)a – Quit for Other Employment

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's March 2, 2012 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit this employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. James Heilinger, the employer's corporate counsel, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer on November 27, 2011. The claimant worked as a full-time sales representative.

After the claimant started working, he was not making enough money to meet his financial obligations. He started looking for another job. On January 20, Van Wall Group asked the claimant to complete an online assessment. The claimant was told that the assessment was a formality and not to worry about it. On January 21, 2012, the claimant understood the Van Wall Group wanted him to start working on January 23, 2012. The claimant accepted this job. The morning of January 23, 2012, the claimant sent the employer an email stating he was resigning effective immediately. After he sent his resignation letter, the claimant learned Van Wall Group withdrew the offer of employment.

The claimant then reopened a claim for benefits he had established during the week of November 27, 2011.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntary quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a

claimant quits because he has accepted another job, the claimant is qualified to receive benefits and the employer's account will not be charged. Iowa Code § 96.5(1)a, 871 IAC 24. 28(5).

The facts establish the claimant did not resign until he had accepted a job with another employer and had been told when he would start the new job. The claimant established that he quit after he accepted another employer's offer of work. Therefore, the claimant is qualified to receive benefits as of January 22, 2012. The employer's account will not be charged.

The record does not indicate the claimant reported any wages during the time he worked for the employer. This matter will be remanded to the Claims Section to determine if the claimant properly reported wages he received from the employer for the weeks ending December 3, 2011, through January 21, 2012.

DECISION:

The representative's March 2, 2012 determination (reference 01) is modified in the claimant's favor. The claimant quit, but he quit for reasons that qualify him to receive benefits as of January 22, 2012. The employer is not one of the claimant's base period employers. Even if the employer had been a base period employer, the employer's account would not be charged. An issue of whether the claimant properly reported wages from the employer for the weeks ending December 3, 2011, through January 21, 2012, is **Remanded** to the Claims Section to investigate and determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs