

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL L JENNINGS
Claimant

APPEAL NO. 07A-UI-03189-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

PARCO LTD
WENDY'S OLD FASHIONED HAMBURGERS
Employer

OC: 02-18-07 R: 04
Claimant: Respondent (4)

Iowa Code § 96.5(1)a – Voluntary Leaving/Other Employment

STATEMENT OF THE CASE:

The employer filed a timely appeal from the March 22, 2007, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on April 11, 2007. The claimant did participate. The employer did participate through Jason Larsen, General Manager.

ISSUE:

Did the claimant voluntarily quit his employment with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a crew leader and crew member part-time beginning November 5, 2003 through January 14, 2007 when he voluntarily quit. Continued work was available. The claimant left employment with Wendy's to accept other employment at Eagle Window and Door.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment to accept employment elsewhere.

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.

Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify the claimant from receiving benefits, the claimant did leave in order to accept other employment and did perform services for the subsequent employer, Eagle Window and Door. He has since been laid off from Eagle Window and Door. Accordingly, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The March 22, 2007, reference 01, decision is modified in favor of the appellant. The claimant voluntarily left his employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 148902) shall not be charged.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css