

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM C VOLZ
Claimant

APPEAL NO. 08A-UI-08230-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

S&J TUBE INC
Employer

OC: 07/27/08 R: 04
Claimant: Respondent (4)

Section 96.5(1)a – Quit/Other Employment

STATEMENT OF THE CASE:

The employer, S&J Tube, filed an appeal from a decision dated September 10, 2008, reference 01. The decision allowed benefits to the claimant, William Volz. After due notice was issued a hearing was held by telephone conference call on September 30, 2008. The claimant participated on his own behalf. The employer participated by Human Resources Manager Julie Belger.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

William Volz was employed by S&J Tube from January 10, 2008 until May 30, 2008 as a full-time production operator. He was suspended pending investigation of creating a hostile work environment on May 29, 2008, and was to call Human Resources Manager Julie Belger on or before June 2, 2008, to find out if he still had a job.

Mr. Volz had already been offered, and accepted another job, at the time he had been suspended. It was his intention to give a two-week notice to S&J Tube the day he was suspended and so he did not give the notice but called the receptionist and gave a verbal resignation. He started the job with the new employer later and worked for about five weeks prior to filing a claim for benefits effective July 27, 2008.

REASONING AND CONCLUSIONS OF LAW:

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 quit because he had accepted another job which was to begin in another week or so. He did not file for benefits for the period of time between quitting S&J Tube and beginning the new employment. Under the provisions of the above Code section, he had requalified by working in the new employment prior to filing his current claim for benefits.

DECISION:

The representative's decision of September 10, 2008, reference 01, is modified in favor of the appellant. William Volz is qualified for benefits, provided he is otherwise eligible. However, the account of S&J Tube shall not be charged with benefits paid to the claimant.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs