

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

CHRISTOPHER G WRIGHT
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DES MOINES IA 50320

COMMUNICATION TECHNOLOGIES INC
PO BOX 95
HUXLEY IA 50124

Appeal Number: 05A-UI-03393-DWT
OC: 03/06/05 R: 02
Claimant: Appellant (4)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1-a – Voluntary Quit for Other Employment

STATEMENT OF THE CASE:

Christopher G. Wright (claimant) appealed a representative's March 29, 2005 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Communication Technologies, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 19, 2005. The claimant participated in the hearing. Mike Heggan, the owner, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits, or did the employer discharge the claimant for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in August 2001. The claimant worked as a full-time laborer/operator.

On February 28 or March 1, 2005, the claimant told Heggan he was going to quit because he had accepted another job. After the claimant asked if he could use his two days of vacation, the employer understood the claimant planned to quit immediately.

The claimant's new employer kept pushing back the claimant's start date. Initially, the claimant planned to work for the employer until his new job started. The claimant began his new employment on March 22 or 23, 2005. After the claimant learned the employer would not let him work any longer, he turned in his equipment on March 3, 2005. The claimant established a claim for unemployment insurance benefits during the week of March 6, 2005.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. When a claimant quits because he has accepted other employment, he is not disqualified from receiving benefits and the employer's account will not be charged. Iowa Code § 96.5-1-a.

The facts establish that when the claimant told the employer he was quitting, he had already accepted another job. Even though the claimant did not know exactly when he would start the new job, the employer reasonably understood the claimant intended to quit immediately. While the claimant may not have intended to quit during the week of February 27, he intended to quit because he had accepted another job. For unemployment insurance purposes, the claimant is qualified to receive unemployment insurance benefits as of March 6, 2005, and the employer's account will not be charged.

DECISION:

The representative's March 29, 2005 decision (reference 01) is modified in the claimant's favor. The claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits. As of March 6, 2005, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. The employer's account will not be charged.

dlw/sc