

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES E HUSS

Claimant

APPEAL NO. 09A-UI-18984-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST

Employer

OC: 11/15/09

Claimant: Appellant (2)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

James Huss (claimant) appealed a representative's December 17, 2009 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he had voluntarily quit employment with Labor Ready Midwest (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 1, 2010. The claimant participated personally. The employer participated by Michael Nicolosi, Branch Manager.

ISSUE:

The issue is whether the claimant is eligible to receive unemployment insurance benefits after his separation from employment.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer as a temporary worker from December 27, 2005, to November 16, 2009. The claimant was offered and accepted work in Melrose, Iowa, about 200 miles away. The claimant quit work with the employer and moved to Melrose, Iowa. After arriving in Melrose, Iowa, the offered work was no longer available. 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.

871 IAC 24.28(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment.

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 secured 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 December 17, 2009 decision (reference 01) is reversed. 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/css